



NORTHWEST TERRITORIES LEGISLATIVE ASSEMBLY

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The Honourable Paul Delorey, Speaker

Legislative Assembly of the Northwest Territories

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YELLOWKNIFE, NORTHWEST TERRITORIES**Wednesday, March 2, 2011****Members Present**

Mr. Abernethy, Mr. Beaulieu, Ms. Bisaro, Mr. Bromley, Hon. Paul Delorey, Mrs. Groenewegen, Mr. Hawkins, Mr. Jacobson, Mr. Krutko, Hon. Jackson Lafferty, Hon. Sandy Lee, Hon. Michael McLeod, Hon. Robert McLeod, Mr. Menicoche, Hon. Michael Miltenberger, Mr. Ramsay, Hon. Floyd Roland

The House met at 1:34 p.m.

Prayer

---Prayer

SPEAKER (Hon. Paul Delorey): Good afternoon, colleagues. Welcome to the Chamber. Orders of the day. Item 2, Ministers' statements. The honourable Minister of Transportation, Mr. Michael McLeod.

Ministers' Statements

MINISTER'S STATEMENT 120-16(5):
AUDITOR GENERAL'S REPORT

HON. MICHAEL MCLEOD: Thank you, Mr. Speaker. Investing in infrastructure to improve access to communities is a key priority of the Government of the Northwest Territories. When the Deh Cho Bridge is complete, it will benefit NWT residents by providing a safe, reliable all-weather link from the South to the North Slave region, providing access and economic benefits to all residents.

Today I rise to respond to the mid-project performance audit of the Deh Cho Bridge construction project by the Auditor General of Canada.

The Auditor General identified concerns with the management of partnership risks in phase 1 of the project, which led to project delays and cost increases. We acknowledge those concerns. She also notes that the Department of Transportation has put a framework in place to manage key risks in phase 2, and that quality assurance and quality control have improved on the project as a result.

The government has accepted the three recommendations of the Auditor General and incorporated lessons learned from phase 1 into future capital project management. These steps are already underway as part of our commitment to best practices and prudent management.

I note that the Auditor General took no issue with our belief, which I have often stated, that the Deh Cho Bridge is being built to the highest standards of safety and quality, meeting best practices for design quality and construction standard. The

Auditor General pointed to the need to assure the Legislative Assembly and the public that we are effectively managing the remaining risks on the project. This is something that I am pleased to do.

I'm proud of our project team. They have identified and addressed each and every quality assurance and quality control issue on the project. Steps have been taken to ensure that any additional risks are identified, mitigated and managed to ensure a sound and safe bridge.

Our risk management processes were designed to be worthy of this important piece of infrastructure by reflecting the most current best practices in bridge building. We've engaged risk management experts to provide input and advice on risk issues. We put in place an effective project management process and our team is expert in the roles they play. We require industry best practices for quality control and quality assurance. Finally, we continuously identify risks and track mitigation measures. I'm confident that we are adequately managing risks to ensure the high standards of quality and safety are maintained on this project.

This is not to say that we can prevent all risks. As with any capital project, there are risks related to schedule, cost and technical issues that we are addressing.

Despite the current schedule delays caused by the late steel deliveries, we project that the bridge will be built within budget. The contractor has added an extra shift to help ensure the north side launch of the superstructure is completed before breakup. All bridge components will be delivered and on site before then. The contractor has provided us a revised construction schedule which we're evaluating to determine whether the contractor completion date can be met without compromising quality and safety. I will update this House when that review is complete.

Finally, we're refining our toll collection system to ensure we're able to capture all the revenue that is due from commercial operators using the bridge. We have a team working hard to address administrative details that remain, particularly the capture of revenue from occasional traffic. This will be completed before the bridge opens to traffic.

Members of the Legislative Assembly have visited the project and I would like to again extend an

invitation for Members to come and see the work that has been done and talk to our world-class project team who are building a safe, reliable, high-quality all-weather connection that will contribute to sustainable, vibrant and safe communities. This will be a bridge that our children will be proud of and that people from all around the world will come and admire.

MR. SPEAKER: Thank you, Mr. McLeod. The honourable Minister responsible for Municipal and Community Affairs, Mr. Robert McLeod.

MINISTER'S STATEMENT 121-16(5):
2011 OUTSTANDING VOLUNTEER AWARDS

HON. ROBERT MCLEOD: Thank you, Mr. Speaker. Supporting a healthy and sustainable volunteer sector is one of the priorities that the government is addressing as part of the Building Our Future Initiative. Today I am pleased to advise Members on an important opportunity to recognize the significant contribution volunteers make to all our communities.

Launched in 1991, the NWT Outstanding Volunteer Awards Program celebrates exceptional volunteer service in the Northwest Territories. In the 21 years the program has been operating, over 700 individuals and groups have been nominated for awards by others from their community who want to recognize the contributions they are making. These are only a small portion of the thousands of people who generously give their time each year.

Volunteers provide a critical service to our communities. They are the coaches who give their spare time to train others, the firefighters who help keep us safe, the caregivers for people in need and the neighbours that help the elderly with snow or groceries.

Recognition of individuals and groups for their contribution promotes the importance of volunteerism and showcases the need for others to help out.

Mr. Speaker, the Department of Municipal and Community Affairs is now accepting applications for the 2011 NWT Outstanding Volunteer Awards. Individuals or groups can be nominated in four categories: elder, youth, group, and individual. Nomination forms are available at all community government offices and on the Web at proud2beNWT.ca and the department's website. The deadline for nominations is March 25, 2011. An announcement of this year's recognition event will be made in early May.

Members are encouraged to support volunteer recognition by inviting their constituents to nominate that special volunteer or group in their community.

Recognizing outstanding NWT volunteers is an important part of the Government of the Northwest Territories Building Our Future Initiative, which

aims, in part, to improve support to the voluntary sector. Strengthening the voluntary sector supports our goal of healthy, educated people and sustainable, vibrant and safe communities as envisioned in the 16th Assembly's vision of Northerners Working Together. Thank you.

MR. SPEAKER: Thank you, Mr. McLeod. The honourable Minister responsible for the Northwest Territories Power Corporation, Mr. Roland.

MINISTER'S STATEMENT 122-16(5):
TALTSON HYDRO EXPANSION

HON. FLOYD ROLAND: Thank you, Mr. Speaker. The purpose of my statement is to update Members on the Taltson Hydro Expansion Project.

Late last year I asked the chair of the Northwest Territories Power Corporation to review the proposed business model for this project. Based on what has been reported to me, it is clear we need to adjust our course.

Earlier today, the chairman of Deze Energy submitted a letter to the Mackenzie Valley Environmental Impact Review Board requesting more time in the environmental assessment process to address economic gaps.

Recent discussions with the diamond mines clearly indicate that their collective mine life and commitments to buy power cannot, on their own, support financing and construction of the project at this time.

The development of the Taltson Project was premised on Deze Energy's ability to finalize power purchase agreements, secure regulatory approvals and make a construction decision in time for mobilization on the 2012 winter road. Given current project timelines, this objective is no longer achievable.

While the project has effectively lost a year, through the unique Deze partnership we have invested in business capacity and important environmental and technical knowledge that will hold value well into the future.

Mr. Speaker, tapping in the NWT's hydro potential continues to be a goal for the Government of the Northwest Territories. Access to clean energy and a renewable source of energy will help power industry, cut energy costs and reduce our dependence on expensive imported diesel fuel.

We have developed valuable expertise over the past months and plan to build on this important work. We want to find the right formula to revitalize this project and work with us to connect our residents, businesses and communities to this important energy source.

This decision gives us the time for a broader perspective, to come up with a business model that will provide real benefits to the people of our

Territory, and allow us to preserve our investment made so far.

I look forward to keeping Members up to date as we pursue regional development that supports our shared vision of strong individuals, families and communities benefitting from an environmentally sustainable and prosperous Territory. Thank you.

MR. SPEAKER: Thank you, Mr. Roland. Item 3, Members' statements. The honourable Member for Mackenzie Delta, Mr. Krutko.

Members' Statements

MEMBER'S STATEMENT ON GOVERNMENT PROGRAMS AND SERVICES FOR ELDER

MR. KRUTKO: Thank you, Mr. Speaker. I have over 120 elders over the age of 70 in my constituency, all the way up to 98 years of age. Mr. Speaker, most of these elders have lived independently all their lives. They own their own homes. They've worked hard all their lives. Now, Mr. Speaker, they depend on a fixed income, which is their pensions.

Mr. Speaker, so many times as an MLA we get calls from the elders in our communities about the challenges they face trying to access government programs and services, and especially when realizing that they have a fixed income, being told to fill out tons of paperwork, account for the people who spent the weekend in your homes, and more importantly, asking for your pension statement annually.

Mr. Speaker, I think the frustration that these individuals feel, and ourselves as MLAs, is having programs and services there to assist elders retain that independent lifestyle, remain in their homes and not to have the worry if I am going to have enough fuel in my fuel tank this month or will I run out, what are my options or alternatives.

The same thing in regards to the different programs and services through the Housing Corporation in regards to the seniors emergency repair programs. Mr. Speaker, a lot of these seniors don't have mechanical skills or even the physical skills to deal with the restraints of upgrading their furnaces, doing the fundamental maintenance that you require to basically maintain your home. Again, Mr. Speaker, I think it is upon us as legislators and government departments that we do everything we can to take down those restraints and the burden that a lot of the elders face, the emotional, physical, and more importantly, the stress we put them under simply to apply for a government program.

I think ourselves, as government, have to get rid of the red tape. We have to deregulate the programs. They are accessible. They are achieving results and they are helping the people they are supposed

to serve, especially our elders who basically have worked all of their lives for an independent lifestyle to show the rest of us that if you work hard, you achieve a healthy lifestyle and you can be independent. You don't have to end up in a home, but you basically will be supported during the remaining days of your lives in comfort without having the stress and strains of applying for a simple program from the Government of the Northwest Territories.

With that, Mr. Speaker, I will be asking the Premier some questions on this matter later. Thank you.

MR. SPEAKER: Thank you, Mr. Krutko. The honourable Member for Weledeh, Mr. Bromley.

MEMBER'S STATEMENT ON ELDER ABUSE

MR. BROMLEY: Thank you, Mr. Speaker. I want to speak today on one of the tragic realities facing our elders: the huge yet hidden prevalence of elder abuse.

The NWT Seniors' Society has been working hard to push this reality out into the open through their Building Networks on Elder Abuse Project. The project's three phases were reviewed at a two-day symposium in Yellowknife, November 30th and December 1st, attended by more than 100 participants drawn from all regions.

Community and literature research was reported. National experts shared their wisdom on the state of knowledge on elder abuse. The results of the 12-community survey of 528 adults aged 50 and older and the survey of 98 service providers and policymakers was provided. The survey results are startling: 71 percent of respondents said elder abuse is a problem in their community; 77 percent reported financial abuse; 68 percent neglect; 62 percent reported emotional abuse; 54 percent verbal abuse. Half said they didn't know how to protect themselves from abuse. A third said they didn't know where to get help. Only one out of three said they knew elder abuse is a crime.

Elders said abuse isn't reported for a number of reasons: shame and guilt; fear of authority or reprisal, including losing their independence; lack of knowledge was a clear finding. Service providers and policymakers cited familiar factors creating the situation: poverty and lack of affordable housing; addictions; unemployment; ageism; lack of community and agency supports; lack of clear elder protection policies.

What did people say about attacking the problem? The answer takes itself in the name of the symposium, Building Networks. People said we must get together to respond. Get community people together on programs such as home visits, whole community training workshops and other

local steps. The people know the answers must come from the communities.

It has been said that the public consciousness on elder abuse is where awareness of family violence was 20 years ago. The work of the NWT Seniors' Society is forcing this issue into the open and I applaud them for helping us all to understand and leading the drive for action. We must help, but how?

Mr. Speaker, I will have questions for the Minister responsible for Seniors on how this government will pitch in. Mahsi.

MR. SPEAKER: Thank you, Mr. Bromley. The honourable Member for Great Slave, Mr. Abernethy.

MEMBER'S STATEMENT ON NWT SENIORS' SOCIETY

MR. ABERNETHY: Thank you, Mr. Speaker. In recognition of our theme day on seniors, I would like to highlight the work done by the NWT Seniors' Society.

This non-profit organization established in 1983 is the only volunteer agency representing the interests of all seniors in the Northwest Territories and a resource for any of our residents aged 60 and over. Its mission is to ensure dignity, independence, participation, fairness and security for our elders within our communities. The society's goals include effectively dealing with elder abuse, promoting healthy lifestyles, involving elders in the preservation of Aboriginal languages, and lobbying to integrate more seniors' issues and perspectives into school curriculum.

The NWT Seniors' Society wants to reach out to the community to narrow the generation gap and give the younger population a better understanding of seniors' issues. Low literacy issues among elders, as well as the loss of language and cultural wisdom are serious issues.

Tobacco, drug, alcohol and gambling addictions are problems for seniors whether personally or among their relatives. Family violence, elder abuse, effects of crime and feeling safe in one's home and community are constant concerns for many northern elders.

As a person's mobility decreases, some people become very isolated. In larger centres we like to think that this is less of an issue, but just because we don't see these people doesn't mean that they're not there. Seniors living on fixed incomes struggle to make ends meet when cost of living increases are not reflected in their benefits.

The NWT Seniors' Society encourages us, the government, to rethink all or nothing subsidy policies. We create inequality among our people when someone only \$1 above the income threshold

cannot collect the benefits that someone else does if their income is just \$1 below. There is inconsistency between communities and housing standards for seniors. The services offered in Yellowknife are not a clear reflection of what is available to elders in the Territory as a whole.

The NWT Seniors' Society is doing its part to address these issues by encouraging seniors to become more proactive and supportive of the individuals and communities and to mentor youth. Mr. Speaker, more and more people are choosing to stay in the North after they retire. Many of the North's finest volunteers are among our elderly population. Our seniors are a dynamic group that can offer a wealth of wisdom, insight and experience. I'd like to applaud the NWT Seniors' Society's efforts to provide them with the dignity, independence, security and opportunities they deserve. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Abernethy. The honourable Member for Nahendeh, Mr. Menicoche.

MEMBER'S STATEMENT ON GOVERNMENT PROGRAMS AND SERVICES FOR SENIORS

MR. MENICOCHÉ: Mahsi cho, Mr. Speaker. I rise with my colleagues to speak on the seniors' issues that are very important to us all. Over the course of this budget session I have raised this issue and many others until my voice is hoarse.

---Laughter

Firstly, constituents who have their elderly parents refused the seniors home heating subsidy believe that our system is broken. Aboriginal seniors in our small and remote communities are faced with government guidelines, procedures and rules, which are often difficult to interpret and understand. Myself and my colleagues look forward to the review of the Income Support Program that the Minister of Education, Culture and Employment spoke about and I hope that it is more streamlined for our elders in the small and remote communities. Show some flexibility for those who wish to stay with the seniors who are there to support, as our government should.

I have also spoken about the NWT Housing Corporation not having senior-specific programming that will take care of their needs. They have been lumped in with everybody else for much needed programs. Also, I take issue that our seniors are not eligible for NWT Housing programs if they exhaust all existing programming.

I'd like to thank my colleagues who supported me last week for a motion to support seniors' targeted-specific programming with the NWT Housing Corporation. I look to our government to take these concerns seriously and I'd love to see action on these issues this coming summer. Mahsi cho.

MR. SPEAKER: Thank you, Mr. Menicoche. The honourable Member for Kam Lake, Mr. Ramsay.

MEMBER'S STATEMENT ON
ELDER ABUSE

MR. RAMSAY: Thank you, Mr. Speaker. I'd like to join my colleagues in speaking out today against elder abuse. I was disgusted and sickened by a story on the CTV two days ago where a man and his wife had left his elderly mother in an unheated garage for an extended period of time. Mr. Speaker, this action was reprehensible and highlights the fact that elder abuse is happening every day, not only in communities in our Territory but across this country. In this case, laws were broken, but the abuse can take many forms, Mr. Speaker, such as financial abuse, people stealing money, belongings, forging cheques or tricking an elderly person into giving away their money; neglect, when a caregiver does not provide adequate food, medicine and proper living conditions; physical abuse, rough treatment through slapping, hitting, punching or pushing and threatening to hurt an elder; sexual abuse, when elders are touched sexually without their consent; and perhaps the most common form, Mr. Speaker, emotional abuse, which includes threatening, swearing, keeping elders from friends and community members, and guilt trips.

The only way to stop the abuse from taking place is to report it. Elders have every right to feel safe in their homes and in their communities. They also have every right to manage their own money and belongings. If you know of any of this abuse taking place, you can help by telling someone about it. If you are the victim, then you should talk to a friend or the RCMP.

Again, other colleagues of mine have mentioned the NWT Seniors' Society and I wanted to publicly thank them for all the work they've put into addressing the issue of elder abuse in our Territory. I'd also like to thank this government and the Department of Health and Social Services for the material and the campaign to tackle elder abuse in this Territory.

In closing, please, if you see someone – anyone -- being abused in our communities, report it. It's the only way to stop it.

MR. SPEAKER: Thank you, Mr. Ramsay. The honourable Member for Hay River South, Mrs. Groenewegen.

MEMBER'S STATEMENT ON
ELDER ABUSE

MRS. GROENEWEGEN: Thank you, Mr. Speaker. I also join my colleagues today in talking about elder abuse. I'm sorry to say that elder abuse does go on in our country and does exist in the Northwest Territories.

Elders are the maturity and wisdom of our nation and it's appalling for me to hear some of the stories of abuse that go on behind closed doors. We hear of stories of physical and emotional abuse and these things truly upset us. I was going to tell the same story that was just cited so recently in the news that Mr. Ramsay has cited. I'm not going to speak to that.

I'd like to look for tangible and practical ways of how we individually in our lives can reach out. Mr. Bromley touched on Building Networks. I think that's very important. How many times do we sit down to a family dinner at Christmas or Thanksgiving or sometime a year and do we have our minds trained on the fact that perhaps there is a senior out there who is away from family and friends that we could set an extra place at our table for?

When my son was married about 10 years ago, a post-war family friend of my father's showed up for the wedding unexpectedly. His name was Grandpa Ken. My father had since passed away. We invited Grandpa Ken to come and stay with us for a few days. He stayed for four years. You might remember him. You would see him around Yellowknife sometimes wearing placards. He wasn't the most politically correct person in the world. Grandpa Ken did stay with us for four years and our kids were accustomed to the fact that when there was something going on in our family, it was time to run down to the Harbour House and pick up Grandpa Ken. I do apologize to those people. He was a retired pastor. Some of the people who stayed in the Harbour House got an unexpected sermon or two when they stayed there, so I do apologize for that. He was eccentric but beautiful and we loved him. It was an opportunity.

Not everybody can do that, what I just stated, but I bet you there are many times when we can reach out, build a friendship, make a connection to a senior in the community. My children did not have the advantage of growing up with their grandparents nearby. My father was in Ontario. So we can look at other people and think that could be your father, that could be their grandfather, and when those people may need at a time when they come into a difficult time in their life, how wonderful it would be for them to have a family that they were connected to.

We have programs like Big Brother and different things that try to link people in the communities. I think this is something we could extend to the elders community, as well, and we could all be on the lookout for opportunities where we could network with and reach out and be a servant to those who are our seniors.

MR. SPEAKER: Thank you, Mrs. Groenewegen. The honourable Member for Tu Nedhe, Mr. Beaulieu.

MEMBER'S STATEMENT ON
HOUSING PROGRAMS FOR SENIORS

MR. BEAULIEU: Mahsi cho, Mr. Speaker. Today I would like to talk about seniors also, senior homeowners specifically that are in need of programs to assist them to maintain their homes.

As it stands now, the Northwest Territories Housing Corporation has programs that can provide what is needed for seniors. However, accessing the current programs is more difficult than it needs to be.

The NWT Housing Corporation has a CARE program that can provide both maintenance and repairs but the seniors are not a priority and if they can't get themselves to the officers that are delivering the program, they are missed.

Earlier in this session we passed a motion asking the NWT Housing Corporation to introduce a program that is targeted to seniors that only seniors are eligible for. In addition, I have asked on many occasions to have staff of the NWT Housing Corporation visit seniors in their homes during the initial application stage. I even provided a list of seniors to the Minister that may have mobility issues. The officers did not go into the homes during the initial application stage and many of the seniors did not get assistance.

I want the Housing Corporation to develop a seniors-specific program or programs for repairs and maintenance. I also would like the staff of the Housing Corporation to go into the homes of the seniors to collect the necessary documentation for the application stage.

I have spoken many times in the House about the benefits of keeping seniors in their own homes, the benefits that could be accrued to both the senior and the government overall. The cost benefit to the government could be high. For example, if a senior was no longer able to live in his home, the government would provide rental accommodation at a cost substantially higher than that of repairing the home. If a senior gets to a stage where the home is in that condition and does not wish a rental accommodation, the government would have another option: leave the senior in the dilapidated home or replace the house at a cost of \$200,000 to \$300,000.

The Housing Corporation has to get serious about this request. We were told by the seniors this is what was needed. In addition, a seniors-specific program would not cost the Housing Corporation extra money. The money can be flowed from the existing programs.

MR. SPEAKER: Thank you, Mr. Beaulieu. The honourable Member for Yellowknife Centre, Mr. Hawkins.

MEMBER'S STATEMENT ON
NEED FOR SENIORS CHARTER

MR. HAWKINS: Thank you, Mr. Speaker. A number of weeks ago I raised in this House the need for our government to develop a seniors charter that speaks to the dignity and care that our seniors rightly deserve. A seniors charter could be called by many names; perhaps a blueprint of our care, a manifesto of our stewardship, or even a statement of values and commitment by our politicians and government as to what we truly believe.

As the present, leaders of this Assembly, let us not forget we are the shepherds of our present and future generations, both young at heart and certainly young of age. As I stated a number of weeks ago, in 2006 the House of Commons adopted a similar concept for recognizing the importance of seniors through a seniors charter of Canada.

Seniors are an integral part of society as they are the pillars that have gotten us here today. Let us never forget that.

Clearly an NWT seniors charter, if adopted, would recognize older Northerners as creative, active, valued members of our society. As I stated earlier, it would serve as a mission statement and set up the government's commitment and goals to their well-being, equality and certainly a standard of living.

The NWT seniors charter would also speak to such issues as income security, housing, wellness, health care, our commitment to stopping elders' abuse, accessibility options for recreation, education and training, and timely access to government services. Those are only just a few.

Now, if that sounds familiar to some, I certainly think it should. Back on September 22, 2006, in fact, the NWT Seniors' Society created their own Charter of Rights and Freedoms for Older Adults. That charter, drawn out for guidance, hangs in many seniors' meeting rooms and long-term care facilities in the NWT. Later today I will be tabling a copy of that for the benefit of this House. At the time I should also mention that the board of directors got well enough to pass on this information to the responsible Minister of the day who took care of seniors. Like many great ideas, those calls for action and support have fallen deafeningly silent.

The information I researched on this particular issue is in the hands of the Minister for Seniors. What would be important here today is that our government, the Minister for Seniors be prepared to commit to work with our northern seniors and take the first step to develop an NWT seniors charter that would definitely recognize the valued contributions our seniors have made to our North

and demonstrate that commitment by more than words but certainly be standing with them.

MR. SPEAKER: Thank you, Mr. Hawkins. The honourable Member for Nunakput, Mr. Jacobson.

MEMBER'S STATEMENT ON
IMPACTS OF SEVERE WEATHER
CONDITIONS IN TUKTOYAKTUK

MR. JACOBSON: Thank you, Mr. Speaker. People in my riding are used to harsh weather but it seems that that are some still very difficult times like these last few days. Situation at Reindeer Point, seven kilometres outside of Tuk, still a part of Tuk, is still having a tough time. The power went out there February 27th and it took 24 hours to restore the power. The power line problem, once the lineman was there it only took an hour to repair. It had been broken in high winds of 90 kilometres. Twenty housing units froze up. Many have broken pipes. Once the tenants ran out of white gas for their primer stoves they had to move out. They had no heat, no power, no phones, and no Internet, and the winds are still blowing. All these people had to stay with relatives and friends. I'm proud to say that the people of Tuktoyaktuk are still taking care of each other as we always do. It's still hard for the people to leave their homes.

Once the weather cleared, the kids still had to go to school. It's hard to stay organized when your life is disrupted. Most of the families are now back at their homes but their lives are not back to normal. You either have heat and power or your pipes and pumps still have to be replaced. No water.

The housing crew is working on this but there's a lot of work and patchwork to do. It's a real hardship for the people. It's especially hard when there are three private homeowners who have to pay for their own repairs. It's ironic that Richard Cockney is one of those people. He's a superintendent at the Tuk power plant. He kept working for the two or three days that the blizzard was going on. He really served his people of Tuk but he lost the furnace in his house at Reindeer Point; it froze up. I want to thank him again for his hard work. Private homeowners are facing expensive damages that they should get some help.

I told you the phone lines are still not working at Reindeer Point. This incident makes me wonder if we're well prepared in our communities. This government and the services for big emergencies, how ready are we when a crisis comes? It seems when the power goes out and the damage is done, people are on their own.

I will have questions for the Premier at the appropriate time.

MR. SPEAKER: Thank you, Mr. Jacobson. The honourable Member for Frame Lake, Ms. Bisaro.

MEMBER'S STATEMENT ON
ELDER ABUSE

MS. BISARO: Thank you, Mr. Speaker. In December last I attended the NWT Seniors' Society symposium held here in Yellowknife. It was called Making Connections: Building Networks to Prevent Elder Abuse. There was lots of grey hair in the room, but oh, the knowledge and the experiences to be shared. I felt privileged then to be part of such a group and I still feel that way.

The symposium was the second phase of a three-phase NWT Seniors' Society Elder Abuse Project. One of the symposium sessions shared the results of the society's research findings from phase 1 and I was particularly struck by a couple of the findings. First, that 71 percent of the 450 or so older adults surveyed said that abuse of older adults is a problem in their community. Second, that one of the biggest contributing factors to elder abuse is silence. People do not speak out about the abuse that they experience or that they see around them.

For a very long time, abuse of older adults has been a taboo subject. It's not acknowledged publicly and it's gone unnoticed in our communities. In the last 15 years or so the NWT Seniors' Society has been working hard to change that. Due to their efforts, elder abuse is starting to get the recognition it should. We are starting to better understand the breadth, depth and magnitude of this problem.

Abuse of older adults is not something that can be left to an NGO to fix. It's too big an issue. The government must shoulder some responsibility and assist the NWT Seniors' Society in their endeavours. There needs to be a different kind of assistance than what the government normally considers. What is required is to give a higher profile to elders in our government hierarchy. GNWT must start to consider elders as a cohort of their own, gather statistical data for elders, and fund elders as a distinct segment of our society, much as we do for our youth.

The Elders Parliament held last May passed a motion calling for an elders secretariat. That's one possibility. As well, this House recently passed a motion calling for targeted funding for a seniors home repair and maintenance program. That's another possibility. Paramount is the need to fund programs to reduce and eliminate the abuse of older adults as a separate program.

At the moment, funding comes under the umbrella of a Family Violence Action Plan. Funding for elder abuse programming needs to be separated out and funded on its own.

I seek unanimous consent to conclude my statement.

---Unanimous consent granted

MS. BISARO: Funding for elder abuse programming needs to be separated out and funded on its own, within the Family Violence Action Plan but funded as a separate line item. Until we do that and until we speak out about elder abuse, a lot of our elders and seniors will not improve. Certainly abuse of NWT adults will continue and that is a shame. I will have questions for the Minister responsible for Seniors at the appropriate time.

MR. SPEAKER: Thank you, Ms. Bisaro. Item 4, returns to oral questions. Item 5, recognition of visitors in the gallery. The honourable Member for Weledeh, Mr. Bromley.

Recognition of Visitors in the Gallery

MR. BROMLEY: Thank you, Mr. Speaker. I'd like to recognize Barb Hood, executive director, and Ron MacLellan, researcher, with NWT Seniors' Society. I'd also like to recognize Yellowknife Seniors' Society president Merlyn Williams, executive director Vivian Squires, and program coordinator Yvonne Quick. The NWT Status of Women executive director Lorraine Phaneuf is here, community development coordinator Sammy Dechief, and program staff Annemieke Mulders, Lois Little of Lutra Associates and Weledeh resident for sure, and of course, we can't forget our seniors amongst them, Mr. Ed Jeske, again, one of my mentors from the early days. Greetings to Ed. I also want to mention Reverend Ron McLean and all the others who are volunteers on elders' issues that are with us today. Mahsi.

MR. SPEAKER: Thank you, Mr. Bromley. The honourable Member for Great Slave, Mr. Abernethy.

MR. ABERNETHY: Thank you, Mr. Speaker. I'd like to recognize a constituent of the Great Slave riding, Mr. Merlyn Williams. Thank you.

MR. SPEAKER: Thank you. The honourable Member for Yellowknife Centre, Mr. Hawkins.

MR. HAWKINS: Thank you, Mr. Speaker. I'd like to make special recognition again of Mr. Ed Jeske, Yellowknife's very own Mr. Hockey. As well, at the same time, I'd like to recognize Vivian Squires, executive director of YK Seniors, as mentioned. As well, as mentioned earlier, I'd also like to make note of our Reverend Ron McLean. Thank you very much for joining us today.

MR. SPEAKER: Thank you, Mr. Hawkins. The honourable Member for Frame Lake, Ms. Bisaro.

MS. BISARO: Thank you, Mr. Speaker. It gives me great pleasure to recognize a Frame Lake constituent, Yvonne Quick, who is here. I'd also like to thank Mr. Bromley for mentioning all the people that are up behind me there who I can't see, but the Status of Women Council staff are here, the staff of

the NWT Seniors' Society, and I'd like to recognize, in general, all the older adults who are up there today. It's lovely to see you all and welcome.

MR. SPEAKER: Thank you, Ms. Bisaro. If we've missed anyone in the gallery today, welcome to the Chamber. I hope you're enjoying the proceedings.

Item 6, acknowledgements. Item 7, oral questions.

Oral Questions

QUESTION 554-16(5): NWT SENIORS CHARTER

MR. HAWKINS: Thank you, Mr. Speaker. In my Member's statement today I raised the issue, once again, regarding a seniors charter. Since three weeks ago I made sure that the Minister of Health and Social Services, who is also the Minister responsible for Seniors, received a copy of the matters I was raising as well as the corresponding research on the particular issue, Mr. Speaker, I'd like an update from the Minister responsible for Seniors. Has she had a chance to evaluate the merits of a potential seniors charter for the Northwest Territories and what are her plans with that matter? Thank you.

MR. SPEAKER: Thank you, Mr. Hawkins. The honourable Minister responsible for Seniors, Ms. Lee.

HON. SANDY LEE: Thank you, Mr. Speaker. As the Member stated, he was kind enough to give me a copy of that charter on February 13th, and it is under review. Thank you.

MR. HAWKINS: Mr. Speaker, the charter that I've spoken of as well as the particulars I've spoken to in my Member's statement talk about a lot of things: recognizing the dignity, stopping elders' abuse, among many, many other things. Does the Minister responsible for Seniors agree with that type of merit and believe that a seniors charter could help us achieve a manifesto of our principles that we believe strongly here? Thank you.

HON. SANDY LEE: I had a cursory look at the charter and I do believe that we in the Territories have programs for seniors that we can be proud of. We have very extensive health care programs for seniors, extra coverages, we have very generous long-term care programming, which is virtually cost free to the seniors in comparison to other jurisdictions where the costs are rising. We also have very extensive home care programming as an insured service, which is not the case in other jurisdictions and, obviously, we have other housing programs too. Mr. Speaker, I do believe in reading the charter that we go a long way in providing for our seniors and one that we can be proud of. Thank you.

MR. HAWKINS: Mr. Speaker, I couldn't argue with the Minister. I think she's quite right. We have a lot of fantastic programs for our seniors. I believe strongly, as do many, that an NWT charter for seniors would certainly be, as the old saying goes, it's finally when the rubber hits the road it sort of locks into our position on how we feel.

Mr. Speaker, in 2006, a copy of the Charter of Rights and Freedoms was delivered to the then Minister responsible for Seniors. Mr. Speaker, this is not a new issue for this department. When will the Minister be able to commit one way or the other if the department and certainly if the Minister is behind an NWT seniors charter? Thank you.

HON. SANDY LEE: As I indicated, I received this about two weeks ago. It's under review and I will have to get back to the Member in due course. Thank you.

MR. SPEAKER: Thank you, Ms. Lee. The honourable Member for Tu Nedhe, Mr. Beaulieu.

QUESTION 555-16(5):
SENIORS HOME REPAIR
AND MAINTENANCE PROGRAM

MR. BEAULIEU: Thank you, Mr. Speaker. In my Member's statement I talked about the homeownership programs, specifically homeownership programs for seniors needed to be developed by the Housing Corporation. I have some questions for the Minister of the Housing Corporation. Mr. Speaker, will the Minister direct his staff to develop a seniors-specific program for repairs and maintenance of senior homeowner units? Thank you.

MR. SPEAKER: Thank you, Mr. Beaulieu. The honourable Minister responsible for the Northwest Territories Housing Corporation, Mr. Robert McLeod.

HON. ROBERT MCLEOD: Thank you, Mr. Speaker. We do provide a lot of assistance to seniors, and as I quoted some numbers the other day when I was speaking to the motion, the number of seniors that are accessing our programs, our CARE program, for example, which allows them to access more money than they would have under the old system, we had quite a few seniors that took part in that. But I've heard the Member's concern and I heard the motion the other day. I haven't had an opportunity yet to sit down with the senior staff, but I do know that we are doing an evaluation of our Housing Choices program and hearing the concern of this Legislative Assembly, it's one area that we'll have to have a look at. Thank you.

MR. BEAULIEU: Mr. Speaker, can the Minister direct the staff at the Housing Corporation to develop a strategy to ensure that all senior homeowners are contacted during the delivery stage? Thank you.

HON. ROBERT MCLEOD: Mr. Speaker, we give opportunities for seniors to contact us and in the response to some questions on the floor last year I did commit to the Member that those seniors that wanted us to come to their units, we would come and we would provide an interpreter so they can best understand the programs and some of the options that are available to them. As far as going door to door, again, we like to work with the seniors and obviously we want to help them, and if the seniors feel like they are in need of work on their home, then we give them the opportunity to contact us and we go to their homes with an interpreter and work with them to fill out an application. Thank you.

MR. BEAULIEU: Mr. Speaker, prior to or during the program delivery stage, at the application stage, will the Minister direct his staff to go to the homes of the seniors and not wait for the seniors to make contact? There are only a limited number of senior homeowners in the communities. Will the Minister direct his staff to actually go to the homes or the staff to go to the homes? Thank you.

HON. ROBERT MCLEOD: Mr. Speaker, we do like to assist our seniors. We have the government service offices that are going to be in some of the communities which would be able to assist some of the seniors. As far as going door to door, that's a topic that I'll have to take up with senior management and see if it's something that we would consider doing. Again, like I say, we like to have the clients initiate the contact and then we'll do what we can from there to accommodate them. Thank you.

MR. SPEAKER: Thank you, Mr. McLeod. Your final supplementary, Mr. Beaulieu.

MR. BEAULIEU: Thank you, Mr. Speaker. Although I think it's essential that the staff go into the seniors' homes, I don't think it's a difficult task. There is probably enough staff to be able to go into all the homes. Aside from that, whether the officers are going into the homes or not, will the Minister direct his staff to do all that is necessary to gather the documentation to ensure that the initial application is completed? Thank you.

HON. ROBERT MCLEOD: Mr. Speaker, that is one of the reasons that I had to go into the seniors' homes and bring along interpreters so they can best understand the options and what they may be getting into. That would be a good opportunity to make sure all the proper documentation is placed so they can have a complete application that doesn't hurt their chances of getting assistance.

I can say again that we do provide a lot of assistance for seniors. Under the old program, it was a fixed 10-year forgivable period so they had to wait 10 years before they were able to apply again. Now, with the new program, it can be from one to 10 years, so in three years seniors would be able to apply again. I think this is a benefit to seniors. The

money is a lot more, from \$20,000 to \$90,000, that they could possibly qualify for. Of all the CARE applicants we had last year, 71 percent of those approved were seniors. Thank you.

MR. SPEAKER: Thank you, Mr. McLeod. The honourable Member for Nunakput, Mr. Jacobson.

QUESTION 556-16(5):
COMPENSATION FOR DAMAGES TO HOMES
RESULTING FROM POWER OUTAGES

MR. JACOBSON: Thank you, Mr. Speaker. For my Member's statement today, we had the power outages in Ranger Point subdivision of Tuk. Will the NWT Power Corporation compensate private homeowners for the damages it has done, not only the private homeowners but the NWT Housing Corporation for the 20 units that are frozen up and that need repair because of the power outage? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Jacobson. The honourable Minister responsible for the NWT Power Corporation, Mr. Roland.

HON. FLOYD ROLAND: Thank you, Mr. Speaker. The Power Corporation does have a policy that looks at claims filed for reasons of failure on the Power Corporation's part, but I would say, as the Member has highlighted, the issue that was facing many communities in the Beaufort-Delta in the last week were high winds and storms and the failures were due to the weather. We had a number of outages around the North that we had to send staff. We are very thankful for the staff in our communities. The Member has highlighted the dedication of our staff in the community of Tuktoyaktuk.

What we do have available to us is through the Housing Corporation, the Emergency Repair Program that is administered through the Housing Corporation and CMHC. Homeowners may be eligible through that. Thank you.

MR. JACOBSON: Mr. Speaker, I am pretty sure I counted nine houses in Tuk, private homeowners. Would the CMHC funding still affect the amount of income that they make per year even though, under the CMHC funding, or could it be just because the Power Corporation Premier set precedents in Inuvik when the power surges of paying for the property damage? Now is it going to happen with the housing units? Thank you, Mr. Speaker.

HON. FLOYD ROLAND: Mr. Speaker, the issue of the outages in Inuvik and the surge that occurred that caused the equipment to fail in Inuvik was a result of the Power Corporation's power plant operations. The issue in many of the other communities across the North is the fact that when weather comes into it, we can't control what Mother Nature does in the Territory. As I was saying, there is funding available through the Housing

Corporation Emergency Repair Program which provides up to \$11,000 for assistance for low-income earners in our communities. We would be more than happy to try to align the people to the right resources. Thank you.

MR. JACOBSON: Mr. Speaker, under the CMHC funding for the \$11,000, is that the capping? Is that the people's income again? Does it come into effect for the funding? Thank you.

HON. FLOYD ROLAND: Mr. Speaker, it is income tested and it is a program through the Canada Mortgage and Housing Corporation administered here in the Territory by our Housing Corporation. The other factors there, if those homeowners have insurance, that insurance would help them in these repairs. Thank you.

MR. SPEAKER: Thank you, Mr. Roland. Final supplementary, Mr. Jacobson.

MR. JACOBSON: Thank you, Mr. Speaker. I do myself, too, want to thank all the Housing people in Tuk that are working so hard to get these units back up and running for the people. There are a few lessons following that incident with the wind that we could learn from across the Territory. We should be, through the Minister's office, through community preparedness, going through tabletop exercises and stuff like that. Is the Minister willing to speak with the Minister of MACA if we could do that this summer so we could be more prepared for the next go around of the weather? Thank you, Mr. Speaker.

HON. FLOYD ROLAND: Mr. Speaker, I know in the past that the Minister of Municipal and Community Affairs has spoken about working with communities on emergency preparedness plans in those communities. We would have to work with the Hamlet of Tuktoyaktuk to see what plans they have in place. As well, we do have other responses around the region that we do involve when there are large problems, so the weather, for example, the communications issue that affected the whole Beaufort-Delta, we had incorporated our teams to become involved in that. Thank you.

MR. SPEAKER: Thank you, Mr. Roland. The honourable Member for Mackenzie Delta, Mr. Krutko.

QUESTION 557-16(5):
SUPPORT FOR SENIORS CONTINUING TO LIVE
IN THEIR HOMES AND COMMUNITIES

MR. KRUTKO: Thank you, Mr. Speaker. My questions are directed to the Premier in light of the program services we have to offer for our seniors and to ensure them that they do live independently, more importantly, that there are supports for them to remain in their home communities in their homes and not have to leave our communities to other facilities such as, say, long-term care facilities in Inuvik and elsewhere. I would like to ask the

Premier, would he take it into consideration that there is also an economic cost of having to move people into those types of facilities, the daily cost, the operational cost versus keeping them in their own homes? Would the Premier consider looking at the program services we have for seniors and look at the net fiscal benefit of retaining them in their own homes than having to send them into an institutional setting? Thank you.

MR. SPEAKER: Thank you, Mr. Krutko. The honourable Premier, Mr. Roland.

HON. FLOYD ROLAND: Thank you, Mr. Speaker. It is one of our goals, is to keep our family members in their homes for as long as possible. When we design some of our programs, we try to be as much assistance, for example, on property tax breaks, fuel subsidy issue, or housing repair programs. We do try to take that into consideration before looking at the institution side of the equation. Thank you.

MR. KRUTKO: Mr. Speaker, I think that we also have to realize that there is a cost associated with the operation of a long-term care facility, incarceration programs. I will use the Arctic Tern Facility in Inuvik where we had one inmate which was costing this government some \$5,000 a day to keep that one inmate in that facility, in excess of \$150,000 a month. I think that we have to be realistic. The cost of keeping elders in their home is a lot cheaper than providing them that assistance and putting them in long-term care facilities where you have 24-hour care and provided by their families. I would just like to ask if he really seriously consider this and take down those barriers and keep their families in their homes, give them their family supports they need, and more importantly, bring down the cost of having to move them out of their communities and live out their days in their home communities. Thank you.

HON. FLOYD ROLAND: Mr. Speaker, in fact, I think we are in full agreement in our goal, is to keep our family members, seniors, in their homes as long as possible before having to look at settings of long-term care, for example. We have tried to design many of our programs. As we continue to look forward, we continue to look at how we can try to better address the needs of our seniors throughout the Territory. We are in agreement that the cost of having seniors or any individual in an institution setting versus a home setting is much more costly. When we look at those programs like our fuel subsidy, our power, land tax, home care, home repairs, we look at those and, in our design, try to meet the needs as best as possible of our elders in our Territory. Thank you.

MR. KRUTKO: Thank you. Those are all good programs, but the downfall of that program is the way that you do the household income testing. As soon as a family member comes to visit their parents or a relative or a grandchild comes to

spend some time with their parents, they're penalized, and for me that is the problem with the programs. We have to remove those barriers where you penalize families for visiting family members. I think that is the key in making sure this program works. So could we remove that clause that discriminates families from being families? So I'd like to ask the Premier if he can clearly stipulate or clarify that policy so that we allow family members to do what families do, and that's reunite them, live together and help their seniors go through their aging process, but also with some enjoyment of their grandchildren and their children living with them? Thank you.

HON. FLOYD ROLAND: Thank you. The program that we do have in place and the programs we have in place do take into consideration the seniors are exempt from any of these. For example, public housing, rent free, other housing programs that we have, it is household income, but it is the income of a person that doesn't qualify as a senior or an elder in our communities. So we have taken that into consideration as we look at the design of our programs. I know that the Minister of the Housing Corporation is looking at a Shelter Policy for the Government of the Northwest Territories as well. So when we look into the future, we have to ensure that our programs do make sense and provide the best of services available, but the other side is we have to ensure that we can afford it overall to be able to provide the level of service we can. Thank you.

MR. SPEAKER: Thank you, Mr. Roland. Your final supplementary, Mr. Krutko.

MR. KRUTKO: Thank you, Mr. Speaker. I'd like to thank the Premier for his comments, but again, we do have to remove those barriers that do put barriers on families, and more importantly, the elders, because at the end of the day the elders are being penalized. They're not accessing those programs simply because they didn't have the paperwork. They didn't have the income requirements that are needed by the program. So I'd just like to ask that they allow for some flexibility, some exemptions where a family member is there taking care of the person, which is saving the government costs, and that we're able to show that those type of requirements will be allowed and it will allow for those types of exemptions in the policies. Thank you.

HON. FLOYD ROLAND: Thank you. Again, the overall programs and the list we have and the criteria for the programs do look at the consideration of having people and seniors in their own homes versus a separate. For the areas of ensuring forms and our programs are understandable, through the Department of Executive we've recently put in place community service offices in a number of our smaller

communities to try to reach out, as well, to our seniors. In fact, they do have a program where they go and visit the elders in our communities to make them aware of programs we have and help them through that process. In fact, as the Minister of the Housing Corporation has just shown me, on our CARE program, out of 191 applications of those approved, 136 were from the seniors side. Thank you.

MR. SPEAKER: Thank you, Mr. Roland. The honourable Member for Frame Lake, Ms. Bisaro.

QUESTION 558-16(5):
NEED FOR ESTABLISHMENT
OF ELDERS SECRETARIAT

MS. BISARO: Thank you, Mr. Speaker. As I mentioned, my questions today are for the Minister responsible for Seniors. In my statement I talked about the need for us, as a government, to look at a different way to fund seniors. I also mentioned the Elders Parliament from last year and in that very first Elders Parliament there was a motion passed by the members of that Elders Parliament, and I believe it was unanimously, for this government to consider the establishment of an elders secretariat. So I'd like to ask the Minister has she and/or Cabinet considered the recommendation from that motion. Thank you.

MR. SPEAKER: Thank you, Ms. Bisaro. The honourable Minister responsible for Seniors, Ms. Lee.

HON. SANDY LEE: Thank you, Mr. Speaker. That idea was brought up by the Member for Sahtu prior to the Elders Parliament recommendation and I believe the Cabinet or the government, our conclusion is that that's not an idea that would work right now. Thank you.

MS. BISARO: Thank you. I guess my next question to the Minister would be why does Cabinet and the Minister not consider that the idea of an elders secretariat will work. Thank you.

HON. SANDY LEE: Thank you. Because it's about creating an entire bureaucracy to do something that is already being done by many, many departments in the government. If you look at the entire GNWT -- and the Member's statement stated that already -- a large part of what we do in Health and Social Services is providing services to seniors and elders, whether it be hospital care, or long-term care, or home care, extra health benefits, a large part of Housing work is providing services to the elders. There are special programs for income support under ECE. Municipal Affairs even is doing Elders in Motion. So the thing is, there are lots of things we do for the seniors that they need that encompass a large section of our government. So I would like to personally have as much dollars and all the money go to the programs rather than

creating a bureaucracy and that is one of the reasons for not going with that idea. Thank you.

MS. BISARO: Thank you. You know, it's quite distressing to me that when we as a government question as to why something can't be done, the very first thing that I hear out of the Minister's mouth is that it's going to cost a huge amount of money. I really think that the Minister needs to think that there are ultimate ways of doing things than spending a million dollars on it. The need for coordination of any number of different programs, in this case seniors, was identified by the number of programs that she mentioned and that are spread all across this government. That said, I mentioned that the NWT Seniors' Society is starting to work on phase 3 of their project and that will be to build networks in our communities. I'd like to know from the Minister what support does she envisage that this government will provide or what support does she intend to provide to the NWT Seniors' Society to help them accomplish phase 3. It's outside of their regular yearly program activities. Thank you.

HON. SANDY LEE: Thank you. As the Member knows, I believe we are the biggest funder of the NWT Seniors' Society. I don't think we fund everything, because I'm sure they probably get funding from the federal government on a project-by-project basis, but we are a very close partner of the NWT society. So we will continue to work with them on proposals that they have. I'm not aware of the proposal that the Member is asking about specifically, but should that proposal come to me, I would be happy to look at that. Thank you.

MR. SPEAKER: Thank you, Ms. Lee. Your final supplementary, Ms. Bisaro.

MS. BISARO: Thank you, Mr. Speaker. I guess what I need to do is advise the NWT Seniors' Society, who happen to be up in the gallery behind me, that they ought to make application to the Minister for some funding for phase 3 of their Elder Abuse Project.

I'd like to know from the Minister, I talked a bit about recognizing our elders in a different way, recognizing them as a significant cohort and a distinct sort of group within our society. I'd like to know whether or not the Minister has ever considered that possibility in terms of funding to split elders off into their own line item and, if not, would she consider that. Thank you.

HON. SANDY LEE: Thank you. Unless the Member has information otherwise, I do believe that the NWT society's work on elder abuse workshops and conferences over the years has been from the funding from the Department of Health and Social Services and government. We are a close partner with the society in working on elder abuse. They've identified that financial abuse is the latest topic that they wanted to work on, and we put in some federal funding and our own funding to do a pan-territorial

campaign on elder abuse, which has been quite successful. So, Mr. Speaker, we fund the NWT Seniors' Society. We also fund some of the community groups that come forward with their own elder programming, whether it be to get the community together or do awareness or to do a gathering. So, Mr. Speaker, without having seen the proposals, I cannot say right now whether we can fund it or not, but we do get those proposals. The Member is well aware of the fiscal pressure that we are in, so any of those proposals will be judged on that basis along with other priorities.

MR. SPEAKER: Thank you, Ms. Lee. The honourable Member for Nahendeh, Mr. Menicoche.

QUESTION 559-16(5):
REVIEW OF SENIORS
FUEL SUBSIDY PROGRAM

MR. MENICOCHÉ: Thank you very much, Mr. Speaker. I just want to follow up on my Member's statement, most particularly with the Minister of Education, Culture and Employment in that he had indicated that he was going to review the Income Support Program and the seniors home heating subsidy that is in that program. I'd like to ask what the timing is of that review.

MR. SPEAKER: Thank you, Mr. Menicoche. The honourable Minister responsible for Education, Culture and Employment, Mr. Lafferty.

HON. JACKSON LAFFERTY: Mahsi, Mr. Speaker. I did commit in this House a couple of weeks ago that we are looking at a seniors home fuel subsidy and if we need to make some changes, we need to work with the committee members. Those are areas that I did already commit. We will keep the Members posted as we move forward.

MR. MENICOCHÉ: When they're reviewing the Income Support Program it really covers lots of different areas. I'm just looking to ask the Minister that when it comes to income support, that the seniors home heating subsidy gets reviewed by itself and all the different concerns that I've raised and other MLAs have raised, particularly when people are living with the seniors, and why is it impacting their eligibility, et cetera. If that's something that's separate and distinct that he can look at when he's reviewing it.

HON. JACKSON LAFFERTY: The income security framework, there was a review back in 2007. Out of the review we made some changes to reflect on the high cost of living in small, isolated communities and to provide more subsidies to those communities. On the side of that, we've looked at a seniors home fuel subsidy, as well, and over time we made some changes on the threshold as well. This is a policy area. We're looking at this request that was made a couple of weeks ago on various aspects of where seniors have their

grandchildren or children living with them but they're at 90-plus years of age. That was a scenario they were throwing at us. Those are cases we need to look at.

MR. MENICOCHÉ: Representing small and remote communities I think I'm paying particular attention to how our seniors are treated there, as well, and given the program. I guess one of the other things, too, is that when workers are going to small and remote communities, the documentation is not there and there's always a need to accept a statutory declaration because some documents are lost. What is the department's position on using statutory declarations?

HON. JACKSON LAFFERTY: That was also brought up. That will be part of the discussion we'll be having with my department. We need to look at the overall structure of how we deliver subsidy programming. We talk about individuals living with their parents or grandparents and some individuals can be making more money than we are, standing up here. But we don't charge them to be part of the household. So we ask for household income so they can be part of the process. So there's no penalization on the elders. Those are the options we need to work with.

MR. SPEAKER: Thank you, Mr. Lafferty. Final supplementary, Mr. Menicoche.

MR. MENICOCHÉ: Thank you very much, Mr. Speaker. I agree with the Minister that there are people living and taking advantage of the seniors and there are people who are there to take care of them. There's a distinction that we're going to have to make and we're going to have to consider that seriously, I certainly agree. I'd like the Minister to use that analogy when it comes to reviewing the income support and the seniors home heating subsidy.

HON. JACKSON LAFFERTY: Definitely that will be part of our discussion. We need to think of all the analysis that is out there. Having those individuals that are living with their parents that are working versus the ones that are looking after their grandparents or parents, those are the discussions that we need to have.

MR. SPEAKER: Thank you, Mr. Lafferty. The honourable Member for Great Slave, Mr. Abernethy.

QUESTION 560-16(5):
SUPPORT FOR SENIORS CONTINUING TO LIVE
IN THEIR HOMES AND COMMUNITIES

MR. ABERNETHY: Thank you, Mr. Speaker. I want to follow up on the questions that my colleague Mr. Krutko is asking, but I want to do it from a slightly different angle. Clearly we have an aging population in Canada and the Northwest Territories. People are living longer due to

advances in health sciences and whatnot. In the Northwest Territories we've done a great job providing facilities to help support individuals who need level 3 and 4 care. With the approval of the capital budget we'll soon have a long-term care facility for level 3 and 4 in every region in the Northwest Territories, which I think is great.

Research does suggest that living and aging in place has significant advantages to both the individuals and to the system by way of cost savings. The Minister of Health and Social Services has gone on the record talking about aging in place. I support that direction. I think there is significant value in helping people live in their homes. Aging in place does not just mean living in your communities, it means living in your home.

I'd like a little more information from the Minister of Health on what the department is doing proactively to support seniors today and in the future to live in their homes and age in place rather than have to rely on facilities. It would be a lot more affordable for us to help them stay in their homes than to put them in facilities. What is some of the proactive work the Minister's doing?

MR. SPEAKER: Thank you, Mr. Abernethy. The honourable Minister responsible for Seniors, Ms. Lee.

HON. SANDY LEE: Thank you, Mr. Speaker. We understand and the Member recognizes that we need to have a long-term care facility network in regional centres at least. We have a long way in doing that. We have planned for them. We have put them into capital planning. We know that has to be the last resort. Most families and elders, even, I don't think want to go into long-term care facilities unless they have to. This is why we set up as our long-term goal to expand home care services.

We have very good home care services in places like Yellowknife, and the GNWT provides home care as an insured service, which is something different. In other jurisdictions you have to pay for those, except for those who meet income tests or something like that. We want to expand these programs to regional centres and communities and that's one of the things we're doing in Aklavik, whereas right now we're looking after two long-term care elders for a large amount of money, MLA Krutko has pointed out a number of times that he believes there are, and we agree too, they are up to 100 or 30 to 60 elders who are at home doing their own thing but who need support from the government, so that we pay attention to them, that we have elders program, lunch program, where health care professionals and other community people could converge and keep an eye on our elders so that they're supported, they're provided with recreational programs, and just a network is built around these elders so that we prevent them from falling through the cracks. It is one that we

want to expand and that's the goal of the department.

MR. ABERNETHY: I thank the Minister for all those comments. I agree wholeheartedly. I think this is an important area to work on. The responses were more conceptual, they were bigger picture, and I'm kind of wondering more about the specific actions that are taking place to help us facilitate aging in place. I know that we need more home care support and we do have a great program here in Yellowknife, but what is the plan? How are we actually going to facilitate getting home care workers, whether it's a home care nurse or a home support worker, into those communities?

I do have a suggestion for the Minister. Several years ago, probably eight or nine now, the Aurora College delivered this Home Support Worker Training Program and it was delivered by the college but facilitated out of Fort Res. I believe they trained about eight or nine local people to be home support workers. Great program, great benefits. Is this the type of thing we can expect to see in other communities throughout the Northwest Territories? Training of local people for local jobs to get them to support local people?

HON. SANDY LEE: I didn't know that's what the Member was referring to. The Member knows already, and I've already said that in the standing committee briefing last week and throughout the Committee of the Whole debates, that that's the direction we need to take. We're expanding the long-term care facilities in Behchoko from eight beds to 18 beds. We're going to have an 18-bed facility in Norman Wells. Even in those facilities we could use personal attendants and home support workers.

We want to expand the Home Support Worker Program and Home Care Program in many other regions and communities. Yellowknife, I think, is a standard. I think we have a very good programming in Yellowknife and Hay River and some of the major centres, but we desperately need to expand these programs into communities. What we have under Foundation for Change action plan is that we have set this as a goal and are moving out from where we have so much need in so many of our communities. Part of that work, and I've said that already, in reviewing our health training program at Aurora College, I am definitely working with the department and we are talking with HR about having Home Care Support Training Program to get ready for expansion.

MR. ABERNETHY: Once again I agree with everything the Minister is saying and I support the direction they're going. What I'm looking for more is sort of concrete action. When can we expect to see some of these programs rolled out in the communities? We're not getting any younger. Now is kind of the time to get these programs in place. I

hear what she's saying. I heard what the Minister is saying and I support what the Minister is saying. I'm glad the Minister's doing it. When can we start to see some action rolled out? When can we start seeing some of the training on the ground for the people?

HON. SANDY LEE: We are doing that right now so I'm not sure. A lot of people say, well, when are you going to do that? We are doing that as we speak. We are rolling out a program in Aklavik as we speak. That's the transition between the Joe Greenland Centre and the program we are going to be offering. We are expanding the Home Care Program there. We want to deliver elders centre day programming there.

The Foundation for Change action plan includes expansion of home care but we need to find the resources to do that and that includes training and that includes having PYS set for home care. We are making that part of the business plan. We already have a very well-established Home Care Program in the Northwest Territories. I believe Ruth Spence started that 30 years ago, or Esther Braden. We have a very well-established Home Care Program history in the Northwest Territories. Our challenge is to expand that to communities outside of Yellowknife and we're doing that right now. He doesn't have to wait for the bell to go off and say when are you getting going. We are doing that. We want to do more of it.

MR. SPEAKER: Thank you, Ms. Lee. Final supplementary, Mr. Abernethy.

MR. ABERNETHY: Thank you, Mr. Speaker. I think the Minister might be missing the point I'm trying to make here. I agree with everything she's saying. I think our Home Care Program is fantastic. I'm glad it's rolling out to the other communities. I'm talking about getting the people in those communities trained to do the jobs, trained to do the home support worker programs. I don't actually see... If it exists, I'd like her to show me where our current home support worker training exists. That's what I'm asking. I support everything the Minister is doing, but where's the training program? When can we see a training program roll out so we can get Northerners doing northern jobs to help the elders and seniors in the communities? That's what I'm focusing on, not on the great programs that exist and moving them out, because I support them. I'm talking about training. I'm just trying to be clear.

HON. SANDY LEE: I think I should give him my profile of where we are with home care programming that we're doing right now. I would be happy to give him information on where we need to go and where we plan to go. Obviously, all the time it's subject to funding. I've presented information to standing committee about growing funding needs. We want to expand the Home Care Program. We want to do different things with mental health

programming. We have \$40 million or \$50 million asked right now with the Department of Health and Social Services that we will be prioritizing and bringing forward in months to come.

MR. SPEAKER: Thank you, Ms. Lee. The honourable Member for Weledeh, Mr. Bromley.

QUESTION 561-16(5):
ELDER ABUSE

MR. BROMLEY: Thank you, Mr. Speaker. I'd like to probe a little further on how this government can and will assist our seniors as they struggle to deal with the issue of elder abuse. My questions are for the Minister responsible for Seniors.

At the close of the NWT Seniors' Building Network Symposium the society stated some priorities for immediate action. They want to put in place pilot networks in communities over the next three to four years; upgrade their online support to fight abuse with information; they want to reinstate the NWT Prevention of Abuse of Older Adults Steering Committee; and they seek seniors' agreement to rename the June Senior Citizens Week as World Elder Awareness Week in the Northwest Territories. Four specific issues. Will the Minister have her staff sit down and meet with NWT Seniors' executive on these four specific points and report to the Social Programs committee on how this government will give their support? Mahsi.

MR. SPEAKER: Thank you, Mr. Bromley. The honourable Minister responsible for Seniors, Ms. Lee.

HON. SANDY LEE: Thank you, Mr. Speaker. Our staff meets regularly with seniors' groups including the NWT Seniors' Society. They have very good relationships with them. I was at the elders' conference in December on elder abuse and I am not aware if they have formally submitted those proposals. They might have but I just don't have that in front of me. When they do and if they have, we would review them, analyse them and respond to them. Thank you.

MR. BROMLEY: I'll take that as a yes, the Minister's staff will sit down with these folks.

On Monday, Mr. Speaker, I asked the Minister to report back on the results of last week's Coalition Against Family Violence meeting. The NWT Seniors' Society is calling, as we heard from my colleague Ms. Bisaro, for the phase 3 of the Action Plan on Family Violence to make elder abuse a priority for phase 3 work. Will the Minister include this in the debriefing from the meeting and report back to committee on how this important element of the family violence equation can be given priority? Mahsi.

HON. SANDY LEE: My understanding is that the coalition had one meeting and they are going to continue to meet to work on making a proposal to

the government on phase 3. The past practices have been not only with this Family Violence Coalition but also the Homelessness Coalition. Those are groups made up of people in the field as well as some of the government staff. Traditionally, we let them do their work and they will make their presentations to appropriate departments and the Ministers. It's not a normal practice for a Minister to tell them what to do. Obviously, I am here standing ready to hear from them, but I think we do need to give them some time to do the work. I'm looking forward to seeing what they have to present to us, and I'd be happy to ask them to include elder abuse as part of their work. Thank you.

MR. BROMLEY: Thank you for the response from the Minister. Mr. Speaker, we need data to attack this problem. Data is information and all we have right now is anecdotal information. The Seniors' Society is calling on government to get the facts and start research projects to collect specific data on the extent of elder abuse and living conditions specific to seniors. The Anti-Poverty Alliance is calling for the same improvements in data collection. Will the Minister commit to working with the Department of Executive to take prompt action on this request so we can set the 17th Assembly up with good data for informed action? Thank you.

HON. SANDY LEE: I was not given that request from the NWT Seniors' Society. I don't know if the society sent that information to the Member. I'm here ready to work with the NWT Seniors' Society. I've not been given a chance to review those, so if the society has any information that they would like us to look into, we stand ready to look at their request. Thank you.

MR. SPEAKER: Thank you, Ms. Lee. Your final supplementary, Mr. Bromley.

MR. BROMLEY: Thank you, Mr. Speaker. I appreciate the Minister's commitment there. I thought she was at the meeting, but I'll certainly make sure the seniors' committee is corresponding with the Minister with that full information and request. Again, like the Anti-Poverty Alliance, the NWT seniors are calling for a coordinated and cross-government approach. Nothing new. The Minister is responsible for the well-being of seniors. Could she commit to updating her current seniors' issues action plan with these inputs and reporting to committee again on this renewed strategy and again on the Coalition Against Family Violence meeting results as well? Thank you.

HON. SANDY LEE: As I indicated, they had one initial meeting and I'm not sure if there's a whole lot to report right now, but I am committed to working with them. I think we should give them a chance to meet and discuss and think through about where they want to go on the next phase.

I just want to repeat that my department, my officials that work with the seniors, they have a very

good working relationship with them as the people who work on the Family Violence Coalition as the other coalitions we have. We have our staff working with the NGOs and stakeholders in these groups. As the material arrives from them I would be happy to brief the committee and work with them. Thank you.

MR. SPEAKER: Thank you, Ms. Lee. The honourable Member for Kam Lake, Mr. Ramsay.

QUESTION 562-16(5):
AUDITOR GENERAL'S REPORT ON
SPECIAL AUDIT OF THE DEH CHO BRIDGE

MR. RAMSAY: Thank you, Mr. Speaker. I've got some questions today for the Minister of Transportation regarding the Auditor General's report on the Deh Cho Bridge. I listened quite clearly to the Minister's statement from earlier today where on page 2 he says we continuously identify risks and track mitigation measures. I am confident that we are adequately managing risks to ensure the highest standards of quality and safety are maintained in this project.

Mr. Speaker, the Minister says that, but quite clearly in the Auditor General's report risk management is certainly called into question by the Department of Transportation. I'd like to, first of all, ask the Minister of Transportation what plans they have specifically to address the responsibility for certifying that the design and construction of the whole bridge project will meet Canadian highway bridge design code. Thank you.

MR. SPEAKER: Thank you, Mr. Ramsay. The honourable Minister of Transportation, Mr. Michael McLeod.

HON. MICHAEL MCLEOD: Thank you, Mr. Speaker. It's an expected comment, I guess, from this MLA that hasn't agreed with anything that we've provided him. Mr. Speaker, on this occasion there has been a number of approvals to the design. It has the piers which have been signed off by a designer. We had the superstructure that also has been approved and signed off by a second designer. We also have some repairs on some of the deficiencies that were signed off by another engineer. Mr. Speaker, we have to realize that as a government we did overview on this design and all our engineers inspected it and approved it. We are currently now engaged with a contractor to look at providing an overarching approval which would require one engineer to give its final design. That's in the works, Mr. Speaker. We have already seen the first draft of the recommendations and we'll continue moving that forward. Thank you.

MR. RAMSAY: Mr. Speaker, I guess that's what happens when you don't have a design for three years into a project. You still don't have a firm design. You've had more engineers, probably close

to 30 or 40 engineers working on the project. It's little wonder that you're going to have trouble finding somebody that can come in and sign off on that project, ultimately, at the end of the day.

Mr. Speaker, I'd like to ask the Minister what evidence does he and the department have that the other risks that are addressed in the Auditor General's report are being managed effectively? Thank you.

HON. MICHAEL MCLEOD: A perfect example, by the comments made, that he doesn't agree with anything that we've provided him. We have provided numerous briefings and I've just indicated to him that this has been signed off by three different engineers, it has been reviewed by our team, some world-class engineers that have given their approval. Mr. Speaker, we have dealt with all the risks that are involved. We've reviewed it. We've had the Levelton Report, which did a technical review. We've put a plan of action together to address these issues that have come forward. Some of them have also come forward through the Auditor General's report by the Member that instigated the motion that required this. It has been a real challenge to deal with an auditor. For the 12 months that this project has been in our possession, we have been audited for eight of those. I'm not sure who is going to satisfy his questions, but I can reassure him that we have a team. We have a framework that was recognized by the Auditor General. There has been no question of safety or quality. I think things are moving very well. Thank you.

MR. RAMSAY: Mr. Speaker, I take exception to the Minister referring to me as instigating the Auditor General into taking a look at this project. I have had questions about this project going back seven years. Mr. Speaker, apparently I am not alone. If you read the Auditor General's report, there are a lot of issues that I have addressed over the years that are clearly articulated in here as being an issue.

Mr. Speaker, the Minister talks about all the risks being addressed. Where is the budget for the remaining other work like the electrical distribution, the catwalks, the cost of resolving claims, the compensation for lost fish habitat, the rehabilitation work for the cleanup and disposal of contamination in and around that site? Where is that budget, Mr. Speaker? Thank you.

HON. MICHAEL MCLEOD: Mr. Speaker, the Member should know by now where the budget is. He approved portions of it in the last couple of budgets. The toll collection portion was approved over the last two budget years. It is a separate issue. It is a separate budget. It is kept separate because it is not part of the construction. It is a budget that will be maintained for the life of this bridge. The Auditor General indicated they wanted

us to roll it in. We disagree. The construction project is going to end within the next while, but the toll collection is always going to be there. Within our budget for fish habitat and electrical and other miscellaneous, we have \$2.5 million slotted and we have a budget line for that. Mr. Speaker, for cleanup of contaminants, this government has a budget of \$20 million. All these issues that are raised, unfortunately, were flagged. Maybe further clarity could have been provided but we didn't have that opportunity. Thank you.

MR. SPEAKER: Thank you, Mr. McLeod. Final supplementary, Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Speaker. I wasn't really talking about the toll but I appreciate the Minister throwing that in there for me. I want to talk about the contingency as well. That was flagged by the Auditor General too. On a project of this size, how is it possible that we have a contingency of less than 2 percent or close to 2 percent on a project of this size? Judging by the items I have identified, it would take no time at all, Mr. Speaker, to eat that \$2 million up. Thank you.

HON. MICHAEL MCLEOD: Mr. Speaker, I should point out to the Member that the Auditor General did an operational review or look at the government portion of this project. They didn't audit anything else. It wasn't a financial audit. They didn't look at our contractors or talk to them, so there are a lot of things that maybe could have been clarified. The Auditor General was pretty clear that she wasn't satisfied that the contingency was enough, as the Member had indicated. We looked at the project. We looked at the requirements of what was needed to complete this project. We had a professional team give us their best advice and we felt that the \$2 million was sufficient. We also are now a year into the project and we have only used \$300,000. Mr. Speaker, we have no reason to believe that we may need more. But having said that, there may be unforeseen circumstances that will require us to put further investment. I can't predict that. We are on track for the budget, Mr. Speaker. That is all I can point to at this point. Thank you.

MR. SPEAKER: Thank you, Mr. McLeod. The honourable Member for Kam Lake, Mr. Ramsay.

QUESTION 563-16(5):

AUDITOR GENERAL'S REPORT ON SPECIAL AUDIT OF THE DEH CHO BRIDGE

MR. RAMSAY: Thank you, Mr. Speaker. I want to continue to ask a few questions about the Minister's statement regarding the Deh Cho Bridge. The Minister also talks about the contractor providing the Department of Transportation with a revised construction schedule. That comes as news to me. I am glad he mentioned it today. He also talks about the department evaluating this to determine whether the contracted completion date can be

met. Mr. Speaker, a schedule, to me, would outline when the construction on that project can be complete. Is that date still November of 2011, Mr. Speaker? Thank you.

MR. SPEAKER: Thank you, Mr. Ramsay. The honourable Minister of Transportation, Mr. McLeod.

HON. MICHAEL MCLEOD: Thank you, Mr. Speaker. The answer is yes. Right now, the challenge that we are facing is to look at the construction methods that are going to be required to provide the final completion portion of the decking including the asphalt pour and we have come to realize that there is going to be certain challenges as the weather is going to be cold at that time of the year and how do we accommodate that and how is the contractor proposing to do that. There is some technical information that has come forward that we need to review and confirm whether it is acceptable or not. That is the information that we need to, on an ongoing basis, continue to work at. Thank you.

MR. RAMSAY: Mr. Speaker, seeing as we have taken over control of the Deh Cho Bridge Corporation and that contract between what was then the Deh Cho Bridge Corporation and Ruskin, I am wondering if the Minister can comment on what our potential liabilities are or risks associated with being in that contract with Ruskin. This is related to cost, Mr. Speaker. Thank you.

HON. MICHAEL MCLEOD: Mr. Speaker, there is always potential for cost overruns on a project of this nature. We have already experienced that. There are unforeseen circumstances that are not identified in the contract that is at no fault of the contractor. Of course, that would become our responsibility, Mr. Speaker. We have worked this contract with our current contractor. We feel it is a fair one. The date, of course, is always going to be up for discussion with the general public as we move forward. We would like to meet that date; however, we are not going to jeopardize any issues around safety or quality. Things of that nature have to be kept in the forefront and our goal is to build a bridge that is going to be there for the long haul. It is going to be there for something that people will admire and come to see. That is where we place our priority, Mr. Speaker. We are working towards getting this project done without jeopardizing any safety or quality issues. Thank you.

MR. SPEAKER: Thank you, Mr. McLeod. Time for question period has expired; however, I will allow the Member a supplementary question. Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Speaker. The department also states in the Auditor General's report that Members were kept informed of the financial requirements of the project. In February 2008, the regulations were amended to allow for an indemnity in the lender protection agreement in

favour of the trustee and the lenders. Whose decision was that to change the regulations and how they notified the Members of those regulations being changed? Thank you.

HON. MICHAEL MCLEOD: Mr. Speaker, I would like to inform the Member that we have kept in line with the practice that this government has followed for quite a few years. It has been used since 1999. The government has used this practice 20 times. We made no special allowances for the bridge project. We followed protocol. Thank you.

MR. SPEAKER: Thank you, Mr. McLeod. Final supplementary, Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Speaker. That begs the question: why were the regulations amended in February 2008 to indemnify the lenders in this? Why were the regulations changed if they were following policy as the Minister states? Why were the regulations changed? Thank you.

HON. MICHAEL MCLEOD: Mr. Speaker, the Members of this House during the 15th Assembly and were also briefed in the 16th Assembly, were kept informed of the process leading up to the concession agreement. They also were aware that to make this project happen, additional dollars were committed to and also aware that there was a need for an indemnity. Mr. Speaker, there were a number of meetings. I think there were three over the summer and a total of 35 meetings over the life of this project, for sure, have been to provide information to the Members. Thank you.

MR. SPEAKER: Thank you, Mr. McLeod. Item 8, written questions. The honourable Member for Kam Lake, Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Speaker. I seek unanimous consent to return to item 7, oral questions. Thank you.

---Unanimous consent granted

MR. SPEAKER: The honourable Member for Kam Lake, Mr. Ramsay.

Oral Questions (Reversion)

QUESTION 564-16(5): AUDITOR GENERAL'S REPORT ON SPECIAL AUDIT OF THE DEH CHO BRIDGE

MR. RAMSAY: Thank you, Mr. Speaker. Seeing as we're talking about regulations being amended, in September 2007 the Contract of Indemnification Exemption Regulations was amended to allow for specific indemnity in the concession agreement. This happened on September the 27th of 2007, the day before the concession agreement was in fact signed by the previous government. I'd like to ask the Minister why that regulation was amended, which would have meant that the Cabinet had 14

days to inform Members of that decision to indemnify the lenders, but that was amended and Members weren't notified. I'd like to ask the Minister how that could happen. Thank you.

MR. SPEAKER: Thank you, Mr. Ramsay. The honourable Minister responsible for Transportation, Mr. McLeod.

HON. MICHAEL MCLEOD: Thank you, Mr. Speaker. We followed all of the FAA rules. I believe the Finance Minister of the day also was involved in this decision, as were the Members of Cabinet. Mr. Speaker, the rules allow that the contracts that are exempted are also excused from the 14-day notice. Mr. Speaker, that's the practice that almost every request or every decision of this nature has been following and we were no different. Thank you.

MR. RAMSAY: Thank you. I find it highly convenient that the government would waive the requirement to give Members at least 14 days' notice regarding the indemnity the day before the concession agreement was signed and I'd like to ask the Minister who ultimately is going to take responsibility for that happening. Thank you.

HON. MICHAEL MCLEOD: Thank you. The Member knows I'm in a difficult situation. He's asking me to second guess the decision of the previous government, previous Cabinet and the Minister of the day. I'm not willing to do that. Mr. Speaker, the decisions were made, I can't look through a lens of hindsight and say why, why, and this is why, give rationale. The practice was followed, no rules were broken, we've been audited twice now and I should point out we are audited every year for this project by the Auditor General for the financial budgets. Never has there been a concern of any rules being broken and it's also not fair for me to be trying to explain for other Ministers, but that's the reality. Thank you.

MR. RAMSAY: Thank you. It is a difficult position to be in, but some of my colleagues across the way were there when these decisions were made. The decision was made to change the regs the day before the concession agreement was done, which, for all intents and purposes, meant that the former government, the previous government was fully intent on getting this project done despite anything else. They wanted it done, they got it done, Mr. Speaker. What I can talk about today and I can ask the Minister this question: where does the responsibility lie for a February 2008 decision of Cabinet to change the regulations once again allowing for an indemnity in the lender protection agreement in favour of the trustee and the lenders? Whose responsibility is that, Mr. Speaker? That's this government. Thank you.

HON. MICHAEL MCLEOD: There have been two occasions within the life of this project that the indemnity requirements have been waived. It was as per the FAA rules. All protocol was followed. The

Member is insinuating it was done because there was a desire to ram this project through. It was done because there was a need to move forward, decisions needed to be made and it's no different than any other time that these rules were waived. It's been done at least 20 times since 1999, Mr. Speaker. So if the Member thinks or is insinuating we did something different, this is standard practice. Thank you.

MR. SPEAKER: Thank you, Mr. McLeod. Final supplementary, Mr Ramsay.

MR. RAMSAY: Thank you, Mr. Speaker. It's also not every day that the government puts close to \$200 million of taxpayers' money squarely at risk. Mr. Speaker, again, I want to get back to the question of responsibility and accountability. Now, in February of 2008, the regulations were amended once again, and again I'm going to ask the question, who is going to take responsibility for those regulations being amended to again put us at further risk, Mr. Speaker? Thank you.

MR. SPEAKER: Thank you, Mr. Ramsay. The honourable Premier, Mr. Roland.

HON. FLOYD ROLAND: Thank you, Mr. Speaker. The Member has raised this issue a number of times in the past and, in fact, again, questioning this government about a previous government decision on what's to be happening. Clearly it's laid out in the Financial Administration Act. There is process to request indemnification in this process clearly laid out and Members are aware of that. So that process was done and it's the FMB that votes on any of those decisions. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Roland. The honourable Member for Weledeh, Mr. Bromley.

QUESTION 565-16(5):

AUDITOR GENERAL'S REPORT ON SPECIAL AUDIT OF THE DEH CHO BRIDGE

MR. BROMLEY: Thank you, Mr. Speaker. I'd just like to follow up perhaps with the Premier. I've heard some distressing remarks here. I find the Auditor General's remarks and report here quite distressing. I heard the Minister of Transportation say we followed the rules. In fact, Mr. Speaker, they didn't do that. They changed the rules, not once but twice and the second time was...

MR. SPEAKER: Thank you, Mr. Roland. What is your point of order.

POINT OF ORDER

HON. FLOYD ROLAND: Thank you, Mr. Speaker. I rise on 23(h), that the Member in his statement and line of questioning is making allegations that in fact the government has broken rules in this Legislative Assembly and I would raise the fact that though a process was engaged, he's referring to in

fact Ministers or a Minister has broken, and suggested breaking, the rules. In fact, that has not been the case. So I would say that, again, a point of order in the fact that he's having debate and making allegations against another Member of this House. Thank you.

MR. SPEAKER: Thank you, Mr. Roland. Mr. Roland has risen on a point of order with regard to the comments made by Mr. Bromley. The Chair will take the point of order under advisement and provide a ruling at a later date. Mr. Bromley.

MR. BROMLEY: Thank you, Mr. Speaker. I have to chuckle, Mr. Speaker, I did not say the word "broken." I said the word "changed the rules." I believe the Auditor General has used the word "amended the rules" and I was looking for a synonym that was plain language because I know our public are listening. So if the Premier chooses to interpret that as broken, well that seems to reflect a sensitivity on his part, but in fact, I used the word "changed the rules" and in fact the...

MR. SPEAKER: Do you have another question, Mr. Bromley?

MR. BROMLEY: Thank you, Mr. Speaker. I do have another question. I'm wondering, Mr. Speaker, how is it possible that this government can amend the rules rather than follow the rules and choose to avoid requirements that are in law in terms of engineering and so on in making a decision to go forward. Thank you.

MR. SPEAKER: Thank you, Mr. Bromley. The honourable Premier, Mr. Roland.

HON. FLOYD ROLAND: Thank you, Mr. Speaker. The fact that this process that the Member is questioning has been used since 1999 and is in fact part of documents that are available to the public on indemnifications, that indemnification to the exemption of regulations used, and they are public, a process used since 1999. So this wasn't done for a project specific to this for avoiding rules. It is something that's in place and, in fact, I believe the Finance Minister is working on an updated formula finance or a Financial Administration Act that would bring more clarity to issues of this nature. Thank you.

MR. BROMLEY: The Minister for the Department of Transportation mentioned that the Cabinet or somebody followed standard practice which included, apparently, amending rules. I'm wondering what message this sends out to our public, to our colleagues, to our businesses. Can they simply change the rules or are rules in fact put in place for a reason?

HON. FLOYD ROLAND: In the Financial Administration Act, Contract Indemnification Exemption Regulations, 1(1)(a), "contract or an agreement that contains an indemnity by the Government of the Northwest Territories is exempt

from the operation of Section 66 to Section 67.2 of the act where the indemnity is made in favour of..." And there's quite a list of these; almost 20 since 1999. Things like for the Tlicho Government. Things like directors and officers of the Canadian Blood Agency and members of the Scientific Advisory Committee established by the Canadian Blood Agency. "(f) All-State Insurance Company of Canada in respect of claims made by individuals or estates alleging abuse in another case; (g) persons who on behalf of the government in the instance of the Government of the Northwest Territories and in respect of a third party providing accounting or management services or act as a receiver, receiver manager, or liquidator." So there's quite a list of things that this is done for in the history of the Government of the Northwest Territories.

MR. BROMLEY: I would simply note that the Auditor General has observed that these amendments were made to allow for the indemnity to be changed and that some of the existing regulatory requirements, including the need to give 14 days' notice for change, this is within days if not hours of the event that transpired immediately after that. I have to ask, the amendments that the Premier mentioned, the amendments to the rules on which we base our day-to-day business, when did they occur relative to the decisions to indemnify themselves without letting Members know?

HON. FLOYD ROLAND: Again, for the life of this government, in February, and part of the report Members were briefed on three occasions of this work that was being done.

MR. SPEAKER: Thank you, Mr. Roland. Item 8, written questions. Item 9, returns to written questions. Madam Clerk.

Returns to Written Questions

RETURN TO WRITTEN QUESTION 18-16(5): PRACTICUM PLACEMENTS FOR NORTHERN STUDENTS

PRINCIPAL CLERK OF OPERATIONS (Ms. Bennett): Thank you, Mr. Speaker. I have a return to written question asked by Mr. Yakeleya on February 9, 2011, regarding practicum placements for northern students.

1. Provide a list of all the post-secondary educational institutions that enable our northern students to do their practicum in the North.

The Department of Education, Culture and Employment does not have such a list as this is outside our scope and responsibility. Post-secondary institutions are responsible for the standards and delivery of their respective programs including practicum placements. Individual

institutions have the authority to establish the requirements students must meet to graduate.

Some of the post-secondary institutions that have provided practicum placements in the Northwest Territories include the National School of Dental Therapy, the University of Alberta, Aurora College, Faculte St. Jean, and Nipissing University. Through these partnerships, students have completed practicum placements in the areas of education, social work and dental therapy.

2. Provide a work plan and implementation schedule that would show how the Grande Prairie College and our Education department help our northern students begin their work experience placement in the North.

I am aware that a student from the Sahtu, who is attending Grande Prairie College, wanted to complete a practicum placement in the Sahtu. Despite support from the Sahtu Divisional Education Council, Grande Prairie College was not able to agree to an offset placement at this time. Grande Prairie College indicated that their practicum placement requires that the teaching assistant student be supervised twice weekly by program faculty and that the student must attend ongoing seminars throughout the practicum.

Without the ability to provide distance education video conferencing, it is not possible to complete placements in the Sahtu at this time. However, Grande Prairie College indicated that they are very interested in pursuing this option in the future. We are interested in supporting practicum placements in the Northwest Territories that are supportive of the post-secondary education institutions that have the authority to establish practicums as part of their graduation requirements.

I agree that it is valuable for our students to complete their practicum experiences here in the Northwest Territories. I would encourage students to take advantage of these opportunities when they are available. Students should research potential programs and options for placement prior to enrolment.

The Department of Education, Culture and Employment will continue to work with divisional education councils and other organizations to encourage and accommodate requests from students and post-secondary institutions in the future. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Madam Clerk. Item 10, replies to opening address. Item 11, petitions. Item 12, reports of standing and special committees. Item 13, reports of committees on the review of bills. Item 14, tabling of documents. The honourable Member for Yellowknife Centre, Mr. Hawkins.

Tabling of Documents

TABLED DOCUMENT 163-16(5):
NWT SENIORS' SOCIETY CHARTER OF RIGHTS
AND FREEDOMS FOR OLDER ADULTS

MR. HAWKINS: Thank you, Mr. Speaker. As promised in my Member's statement today, I said I would table the NWT Seniors' Society's Charter of Rights and Freedoms for Older Adults.

MR. SPEAKER: Thank you, Mr. Hawkins. The honourable Minister responsible for the NWT Housing Corporation, Mr. Robert McLeod.

TABLED DOCUMENT 164-16(5):
GNWT RESPONSE TO MOTION 21-16(5),
FLEXIBLE TRANSITION PERIOD
FOR RENT ADJUSTMENTS

HON. ROBERT MCLEOD: Thank you, Mr. Speaker. I wish to table the following document entitled GNWT Response to Motion 21-16(5), Flexible Transition Period for Rent Adjustments.

MR. SPEAKER: Thank you, Mr. McLeod. Item 15, notices of motion. Item 16, notices of motion for first reading of bills. The honourable Minister responsible for Finance, Mr. Miltenberger.

Notices of Motion for First Reading of Bills

BILL 25:
APPROPRIATION ACT
(OPERATIONS EXPENDITURES), 2011-2012

BILL 26:
SUPPLEMENTARY APPROPRIATION ACT
(INFRASTRUCTURE EXPENDITURES),
NO. 5, 2010-2011

BILL 27:
SUPPLEMENTARY APPROPRIATION ACT
(OPERATIONS EXPENDITURES),
NO. 3, 2010-2011

HON. MICHAEL MILTENBERGER: Thank you, Mr. Speaker. I give notice that on Friday, March 4, 2011, I will move that Bill 25, Appropriation Act (Operations Expenditures), 2011-2012 be read for the first time.

I give notice that on Friday, March 4, 2011, I will move that Bill 26, Supplementary Appropriation Act (Infrastructure Expenditures), No. 5, 2010-2011, be read for the first time.

I give notice that on Friday, March 4, 2011, I will move that Bill 27, Supplementary Appropriation Act (Operations Expenditures), No. 3, 2010-2011, be read for the first time.

MR. SPEAKER: Thank you, Mr. Miltenberger. Item 17, motions. Item 18, first reading of bills. Item 19, second reading of bills. Item 20, consideration in

Committee of the Whole of bills and other matters: Tabled Document 4-16(5), Executive Summary of the Report of the Joint Review Panel for the Mackenzie Gas Project; Tabled Document 30-16(5), 2010 Review of Members' Compensation and Benefits; Tabled Document 38-16(5), Supplementary Health Benefits – What We Heard; Tabled Document 62-16(5), Northwest Territories Water Stewardship Strategy; Tabled Document 75-16(5), Response to the Joint Review Panel for the Mackenzie Gas Project on the Federal and Territorial Governments' Interim Response to "Foundation for a Sustainable Northern Future"; Tabled Document 103-16(5), GNWT Contracts Over \$5000 Report, Year Ending March 31, 2010 ; Tabled Document 135-16(5), GNWT Response to Committee Report 3-16(5), Report on the Review of the Child and Family Services Act; Bill 4, An Act to Amend the Social Assistance Act; Bill 14, An Act to Amend the Conflict of Interest Act; Bill 15, An Act to Amend the Fire Prevention Act; Bill 16, An Act to Amend the Dog Act; Bill 17, An Act to Amend the Income Tax Act; Bill 18, An Act to Repeal the Settlements Act; Bill 19, Municipal Statutes Amendment Act; Bill 20, An Act to Amend the Evidence Act; Minister's Statement 65-16(5), Devolution Agreement-in-Principle, Impact on Land Claims and Protection of Aboriginal Rights; Minister's Statement 88-16(5), Sessional Statement, with Mr. Bromley in the chair.

Consideration in Committee of the Whole of Bills and Other Matters

CHAIRMAN (Mr. Bromley): I'd like to call the Committee of the Whole to order. We have before us for consideration today: tabled documents 4, 30, 38, 62, 75, 103 and 135, as well as Bills 4, 14, 15, 16, 17, 18, 19, 20, and Minister's statements 65 and 88. What is the wish of committee, Mrs. Groenewegen?

MRS. GROENEWEGEN: Thank you, Mr. Chairman. Committee would like to deal with Bills 14, 15, 17, 18, 19, 20, and Minister's Statement 65-16(5), Devolution Agreement-in-Principle, Impact on Land Claims and Protection of Aboriginal Rights.

CHAIRMAN (Mr. Bromley): Thank you, Mrs. Groenewegen. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Bromley): Thank you, committee. We'll do that, but we'll start with a short break.

---SHORT RECESS

CHAIRMAN (Mr. Abernethy): Thank you, committee. I'd like to call Committee of the Whole back to order. Prior to going on the break we agreed to review today Bills 14, 15, 17, 18, 19, 20

as well as Minister's Statement 65-16(5). Does committee agree that we start with Bill 14?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): I'll now ask the Minister responsible for the bill, the honourable Minister of Justice, to introduce the bill.

HON. JACKSON LAFFERTY: Mahsi, Mr. Chairman. I am pleased to be here today to speak to Bill 14, An Act to Amend the Conflict of Interest Act. I would like to thank the Standing Committee on Social Programs for its review of this bill.

The Conflict of Interest Act defines the circumstances in which a council or board member is considered to be in a conflict of interest when participating in decisions of that council or board.

The current act automatically deems that a member has received a benefit -- what the act calls an "indirect pecuniary interest" -- in situations where the member is also an employee of the government with whom the contract or proposed contract is being made. This results in situations where members are forced to declare a conflict on decisions in which they would derive no direct benefit from their employers and the indirect benefit is so remote that no practical conflict exists.

The main purpose of the bill is to enable employees of the federal and territorial governments to actively participate on boards and municipal councils. Members will not have to declare a conflict of interest unless they stand to benefit from a decision of the board or council. The amendment removes the presumption that the member automatically stands to benefit from such a decision simply because they are employed by government.

The need to amend the Conflict of Interest Act has been raised by the Northwest Territories Association of Communities. The bill before you meets the commitment Justice has made to adjust the legislation to ensure that council and board members are free to participate effectively in matters and decisions of councils and boards.

I would be pleased to answer any questions that the committee members may have regarding Bill 14.

CHAIRMAN (Mr. Abernethy): Thank you, Mr. Lafferty. I'll now ask the chairperson responsible for the Standing Committee on Social Programs, which reviewed the bill, to make comments. Mr. Beaulieu.

MR. BEAULIEU: Thank you, Mr. Chairman. The Standing Committee on Social Programs met on January 12, 2011, to review Bill 14, An Act to Amend the Conflict of Interest Act. The bill was supported by the NWT Association of Communities and the Town of Hay River. A representative of Yellowknife Metis organizations also took part in the public hearing. Committee members thank all involved for their constructive input.

Following a clause-by-clause review, a motion was carried to report Bill 14 to the Assembly as ready for Committee of the Whole. This concludes the committee's general comments on Bill 14. Individual committee members may have questions or comments as we proceed.

CHAIRMAN (Mr. Abernethy): Thank you, Mr. Beaulieu. Would the Minister of Justice like to bring witnesses into the Chamber?

HON. JACKSON LAFFERTY: Yes, I do, Mr. Chairman.

CHAIRMAN (Mr. Abernethy): Is committee agreed?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): Sergeant-at-Arms, if I could please get you to escort the witnesses into the Chamber.

Mr. Lafferty, could I get you to introduce your witnesses for the record, please?

HON. JACKSON LAFFERTY: Mahsi, Mr. Chairman. To my left is Mike Reddy, policy and planning division, and to my right is Mr. Mark Aitken, director of legislation division.

CHAIRMAN (Mr. Abernethy): Thank you, Mr. Lafferty. I'll now open the floor to general comments on Bill 14. Clause by clause? Is committee agreed that there are no further comments or that there are no comments?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): Okay. We'll proceed with clause by clause on Bill 14. We'll defer the title page and go to the detail. Is committee agreed?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): Okay. So Bill 14, An Act to Amend the Conflict of Interest Act, Clause 1.

---Clauses 1 through 3 inclusive approved

CHAIRMAN (Mr. Abernethy): Bill as a whole.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): Does committee agree that Bill 14, An Act to Amend the Conflict of Interest Act, is now ready for third reading?

---Bill 14 as a whole approved for third reading

CHAIRMAN (Mr. Abernethy): I'd like to thank the Minister and his witnesses. Sergeant-at-Arms, if I could please get you to escort the witnesses out of the Chamber.

Does committee agree that we proceed with Bill 15?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): I'll now ask the Minister responsible for the bill, the Honourable R.C. McLeod, Minister of MACA, to introduce the bill. Mr. McLeod.

HON. ROBERT MCLEOD: Thank you, Mr. Chairman. I am here to present Bill 15, An Act to Amend the Fire Prevention Act.

This bill makes one technical amendment to the Fire Prevention Act to enable the fire marshal to act where an owner or occupant of a structure cannot be identified.

The Department of Justice legal counsel recommended that MACA amend the act so that it would be clear that the fire marshal can apply to the Supreme Court for permission to take corrective action where the fire marshal cannot establish the identity of the owner or occupant of the building. There are some additional minor amendments that follow from the technical amendment that have been recommended by legislation division.

I look forward to hearing comments from the Members and asking any questions.

CHAIRMAN (Mr. Abernethy): Thank you very much, Mr. McLeod. I would now like to ask the chairperson responsible for the Standing Committee on Economic Development and Infrastructure, which reviewed the bill, to make the comments. Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Chairman. The Standing Committee on Economic Development and Infrastructure met on February 16, 2011, to review Bill 15, An Act to Amend the Fire Prevention Act. Following the clause-by-clause review, a motion was carried to report Bill 15 to the Assembly as ready for consideration in Committee of the Whole.

This concludes the committee's general comments on Bill 15. Individual Members may have additional questions or comments as we proceed.

CHAIRMAN (Mr. Abernethy): Thank you, Mr. Ramsay. Mr. McLeod, would you like to bring witnesses into the House?

HON. ROBERT MCLEOD: Yes, I would, Mr. Chairman.

CHAIRMAN (Mr. Abernethy): Is committee agreed?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): Thank you. Sergeant-at-Arms, if I could please get you to escort the witnesses into the Chamber.

Mr. McLeod, could I please get you to introduce your witnesses for the record?

HON. ROBERT MCLEOD: Thank you, Mr. Chairman. I have with me Mr. Mike Aumond, deputy minister of MACA, Laura Gareau is the director of corporate affairs for MACA, and we have Kelly McLaughlin, legislative counsel, Department of Justice.

CHAIRMAN (Mr. Abernethy): Thank you, Mr. McLeod. I'll now open the floor for general comments on Bill 15. General comments? No general comments? Is committee agreed that there are no comments?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): Can we proceed to clause-by-clause review of the bill?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): Okay. We'll defer the title and bill number and proceed with the clause-by-clause. Clause 1.

---Clauses 1 through 4 inclusive approved

CHAIRMAN (Mr. Abernethy): Bill 15, An Act to Amend the Fire Prevention Act.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): To the bill as a whole.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): Does committee agree that Bill 15, An Act to Amend the Fire Prevention Act is now ready for third reading?

---Bill 15 as a whole approved for third reading

CHAIRMAN (Mr. Abernethy): I'd like to thank the Minister and his witnesses for joining us today. If I could please get the Sergeant-at-Arms to escort the witnesses out.

Is committee agreed that we proceed with Bill 17?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): All right. I'll now ask the Minister responsible for the bill, the Honourable Michael Miltenberger, Minister of Finance, to introduce the bill. Mr. Miltenberger.

HON. MICHAEL MILTENBERGER: Thank you, Mr. Chairman. I am here to present Bill 17, An Act to Amend the Income Tax Act. This bill is the result of our collaboration with the Department of Justice and the Canada Revenue Agency to ensure the NWT Income Tax Act remains harmonized with the federal act pursuant to the Tax Collection Agreement between the two governments.

Besides minor changes in terminology, the proposed amendments relate to the following:

- 1) revising definition of "adjusted income" for the purpose of calculating territorial Child Tax Benefit;
- 2) Child Tax Benefit entitlements in a shared custody situation;
- 3) deductions for taxable dividends as a percentage of the grossed-up dividends;
- 4) deductions for corporations with foreign investment income.

Since introducing the Universal Child Care Benefit (UCCB) in 2006 and the Registered Disability Savings Plans (RDSP) in 2008, the federal government has excluded income and repayment amounts from these sources in the calculation of the Canada Child Tax Benefit. Following other provinces and territories which have adopted a similar approach in calculating their respective provincial/territorial child benefits, Bill 17 proposes to replace the current definition of "adjusted income" with a new definition that has the same meaning as in the federal act for the purpose of calculating NWT Child Tax Benefit. Under this new definition, the NWT child benefit will not be reduced when parents receive the UCCB or income from a RDSP.

Under existing rules where two individuals share custody of a child, only one individual can receive the combined federal and territorial Child Tax Benefit for that child in a particular month.

The federal budget 2010 proposed to introduce the concept of a "shared custody" parent, and to allow each "shared custody" parent to receive one-half of the monthly Child Tax Benefit for the child. In this regard, Bill 17 proposes to introduce a similar provision respecting a "shared custody" parent, and to allow this parent to receive one-half of the monthly NWT Child Tax Benefit for the child.

Both the NWT and federal acts provide a dividend tax credit for investors receiving dividend income. Currently the territorial credit is defined as a fraction of the federal gross-up rate, and it must be changed whenever the federal gross-up rate changes. As federal corporate income tax rates will be reduced over the next three years, the federal gross-up rate will be changed as well. To avoid amending the NWT Income Tax Act every time there is a change in the federal gross-up rate, Bill 17 proposes to express the territorial credit as a percentage of the grossed-up dividend. The current credit level remains unaffected by this amended provision.

Lastly, Bill 17 proposes to amend the provision that deals with deductions for corporations with foreign investment income. A corporation that maintains a permanent establishment in the NWT can claim a foreign non-business tax credit for taxes paid to another country where it earned its non-business income. This credit, based on an allocation formula if the corporation also maintains a permanent establishment in other provinces and territories, prevents double taxation and reduces the NWT corporate income tax. Annual claims for this credit are not significant. For example, between 2006 and 2008, companies in the NWT claimed an average of \$87,000 per year in the territorial foreign non-business tax credit. The federal government offers a similar credit with the intent that the corporation is required to claim the maximum amount for the federal credit first before it can claim the territorial

credit on any remaining foreign non-business tax. The amended provision ensures that the federal intent be followed, and that only taxable income that the corporation earned in Canada be included in the allocation formula mentioned earlier. Thank you.

CHAIRMAN (Mr. Abernethy): Thank you, Minister Miltenberger. I'll now ask the deputy chair of the Standing Committee on Government Operations, who have reviewed this bill, to make comments. Mr. Hawkins.

MR. HAWKINS: Thank you, Mr. Chairman. The Standing Committee on Government Operations met on December 9, 2010, for a detailed review of Bill 17, An Act to Amend the Income Tax Act.

Following the clause-by-clause review a motion was carried to report Bill 17 to the Assembly as ready for Committee of the Whole.

This concludes the committee's general comments on Bill 17. Individual Members may have additional questions and comments as we proceed, Mr. Chairman. Thank you.

CHAIRMAN (Mr. Abernethy): Thank you, Mr. Hawkins. Minister Miltenberger, would you like to bring witnesses into the Chamber?

HON. MICHAEL MILTENBERGER: Yes, Mr. Chair.

CHAIRMAN (Mr. Abernethy): Is the committee agreed?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): Sergeant-at-Arms, if I can please get you to escort the witnesses into the Chamber.

Minister Miltenberger. Can I please get you to introduce your witnesses for the record?

HON. MICHAEL MILTENBERGER: Thank you, Mr. Chairman. I have with me the deputy minister of Finance, Margaret Melhorn; John Monroe, the director of fiscal policy; and Mr. Ian Rennie, legal advice and legislative counsel from the Department of Justice. Thank you.

CHAIRMAN (Mr. Abernethy): Thank you, Minister Miltenberger. On that, I will open the floor for general comments on Bill 17. Does the committee agree that there are no comments on Bill 17?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): So, can we proceed back to the clause-by-clause review of the bill?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): Okay. We will defer the title and the bill number and go clause by clause. Clause 1.

---Clauses 1 through 13 inclusive approved

CHAIRMAN (Mr. Abernethy): Bill 17, An Act to Amend the Income Tax Act.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): To the bill as a whole.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): Does committee agree that Bill 17, An Act to Amend the Income Tax Act, is now ready for third reading?

---Bill 17 as a whole approved for third reading

CHAIRMAN (Mr. Abernethy): Thank you committee. Bill 17 is now deemed ready for third reading. I would like to thank the Minister and his witnesses. If I can please get the Sergeant-at-Arms to escort the witnesses out of the Chamber. Can we move along to Bill 18?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): I will now ask the Minister responsible for the bill, the honourable R.C. McLeod, the Minister of MACA, to introduce the bill. Minister McLeod.

HON. ROBERT MCLEOD: Thank you, Mr. Chairman. I am here to present Bill 18, An Act to Repeal the Settlements Act.

Municipal and Community Affairs is proposing a Repeal of the Settlements Act. This legislation has ceased to have effect because there are no longer any settlements in the Northwest Territories.

The last settlements were Enterprise, Fort Resolution and Colville Lake. Enterprise and Fort Resolution became hamlets and Colville Lake revoked its settlement status entirely and became a band-governed community referred to as a First Nations designated authority.

There is no further need for the Settlements Act because there are now a wide range of governance options available to community governments, ranging from the many forms of municipal governance to designated authority. This is an arrangement where First Nations bands enter into contribution agreements with MACA for funding to provide municipal-type services to residents. This is a transitional mechanism for municipal-type service delivery until self-government arrangements are completed.

On repealing the Settlements Act, references to settlements in our other statutes will no longer be necessary, so those references will be removed through the consequential amendments to those statutes included in this bill.

I look forward to hearing comments from the Members and answering any questions. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Abernethy): Thank you, Minister McLeod. I would like to go to the chairperson

responsible for the Standing Committee on Economic Development, which reviewed this bill, to make general comments or to make comments. Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Chairman. The Standing Committee on Economic Development and Infrastructure met on February 16, 2011, to review Bill 18, An Act to Repeal the Settlements Act. Following the clause-by-clause review, a motion was carried to report Bill 18 to the Assembly as ready for Committee of the Whole.

This concludes the committee's general comments on Bill 18. Individual Members may have additional questions or comments as we proceed. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Abernethy): Thank you, Mr. Ramsay. Minister McLeod, would you like to bring witnesses into the Chamber?

HON. ROBERT MCLEOD: I would, Mr. Chairman.

CHAIRMAN (Mr. Abernethy): Does the committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): Sergeant-at-Arms, if you could please escort the witnesses into the Chamber.

Thank you. Minister McLeod, if I could please get you to introduce your witnesses for the record.

HON. ROBERT MCLEOD: Thank you, Mr. Chairman. I have with me to my left Mr. Michael Aumond, deputy minister of MACA. To my right is Laura Gareau, director of corporate affairs for MACA; and Kelly McLaughlin, the legislative counsel, Department of Justice. Thank you.

CHAIRMAN (Mr. Abernethy): Thank you, Minister McLeod. I will now open the floor to general comments on Bill 18. Does committee agree that there are no comments on Bill 18 at this time?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): Can we proceed to the clause-by-clause review of the bill?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): Okay. We will defer the bill number and the title. We will proceed with clause by clause. Clause 1.

---Clauses 1 through 24 inclusive approved

CHAIRMAN (Mr. Abernethy): Bill 18, An Act to Repeal the Settlements Act.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): To the bill as a whole.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): Does committee agree that Bill 18, An Act to Repeal the Settlements Act, is now ready for third reading?

---Bill 18 as a whole approved for third reading

CHAIRMAN (Mr. Abernethy): Thank you committee. Bill 18 is now deemed ready for third reading. I would like to thank the Minister and his witnesses, but you can probably sit right there. Does committee agree that we move on to Bill 19?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): I will ask the Minister responsible for the bill, the honourable Minister R.C. McLeod, the Minister of MACA, to introduce the bill. Some of the witnesses will need to be escorted out, so I will get the Sergeant-at-Arms to do that before we continue.

Thank you, Mr. McLeod. We will get you to introduce your witnesses in a second once we have gone through the rest of the procedures. Can I get you to do your introductions on Bill 19?

HON. ROBERT MCLEOD: Thank you, Mr. Chairman. I am here to present Bill 19, Municipal Statutes Amendment Act.

Bill 19 proposes amendments to three of the municipal statutes, the Cities, Towns and Villages Act, the Hamlets Act and the Charter Communities Act. The proposed amendments result from issues raised over the past several years by municipal governments. Additional minor amendments of a miscellaneous nature are included as requested by the Department of Justice.

The other municipal statute, the Tlicho Community Government Act, is not addressed in this bill. The Tlicho Government must consent in a separate process to the proposed amendments before they can be made. The Department of Municipal and Community Affairs is consulting with the Tlicho Government on the issues in Bill 19 and on other matters the Tlicho Government wish to have addressed.

I look forward to hearing comments from the Members and answering any questions. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Abernethy): Thank you, Minister McLeod. On that, we will go to the chairperson of the Standing Committee on Economic Development and Infrastructure, which reviewed the bill, to make their comments. Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Chairman. The Standing Committee on Economic Development and Infrastructure met on February 16, 2011, to review Bill 19, Municipal Statutes Amendment Act. Following a clause-by-clause review, a motion was carried to report Bill 19 to the Assembly as ready for Committee of the Whole.

This concludes the committee's general comments on Bill 19. Individual Members may have additional questions or comments as we proceed. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Abernethy): Thank you, Mr. Ramsay. Does committee agree that we allow the Minister to have his witnesses remain in Chamber?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): Minister McLeod, can I please get you to introduce your witnesses for the record?

HON. ROBERT MCLEOD: Thank you, Mr. Chairman. I have with me to my left Mr. Michael Aumond, deputy minister of MACA. To my right is David Kravitz, manager, community governance at MACA; and Lana Birch-Rideout, legislative counsel, Department of Justice. Thank you.

CHAIRMAN (Mr. Abernethy): Thank you, Minister McLeod. I will now open the floor to general comments on Bill 19. Mr. Krutko.

MR. KRUTKO: Thank you, Mr. Chairman. As we all know, we basically established the legislation to empower the communities, but again, I think by bringing forward these statute amendments, I am wondering if there is any fiscal obligations that we may have or that there could be fiscal pressures put on the municipalities or local governments to administer these statutes by way of the amendments. If so, is this government going to be financially providing assistance to those communities that may have to take on more work in the light of the challenges they have?

I know a lot of the communities, especially in the rural, remote communities do have some challenges in regards to recruitment, retention, and more importantly, trying to just fulfill their legislative obligations regarding fiscally or through bylaws or municipal statutes. So I'd just like to know has there been any discussions with the remote communities on the affect. I know you say you met with the municipalities, but I'd like to know if there are any restraints that may affect communities, but more importantly, are there any financial restraints that may cause the communities to have to do either more with less, or is the government willing to provide financial assistance if they have to take on a heavier workload. Thank you.

CHAIRMAN (Mr. Abernethy): Thank you, Mr. Krutko. Mr. Aumond.

MR. AUMOND: Thank you, Mr. Chair. Our view is that these amendments will not impose any incremental costs onto community governments or any incremental burden administratively. Most of these amendments are as a result of issues brought forward to MACA from community governments and we did work with the Northwest Territories Association of Communities in drafting

up these amendments so we could address the issues raised by the communities. Thank you.

MR. KRUTKO: Mr. Chair, I'm talking about the smaller communities that are struggling. They basically have small populations, they're receiving less revenues from the Government of the Northwest Territories because of the way the gas tax dollars have been allocated and we are seeing some challenges by way of human resource challenges by simply administering and offering those requirements that we put on them through this type of legislation.

I think at the end of the day we have to be cognizant that all communities are not the same. It might be great for large municipalities where you have a large workforce, but when communities don't have a financial officer or an SAO or are just barely keeping their heads above water financially and also operationally, we have to realize that there may be times when we may have to provide financial assistance for them to take on more of a workload in light of minor amendments. They might be minor to a large municipality, but it probably could be major to a small rural community. So I just want the department and the Minister to be conscious of that whenever we put this type of legislation forward, that we realize there is going to be some financial requirements to live up to the obligations that we put forward on communities. Thank you.

CHAIRMAN (Mr. Abernethy): Thank you, Mr. Krutko. Minister McLeod.

HON. ROBERT MCLEOD: Thank you, Mr. Chair. We're always conscious of the possible effects this could have on communities and we go to great lengths to consult with the NWT Association of Communities and get their feedback on some of the proposed amendments. Thank you.

MR. KRUTKO: I'd just like to know, did you consult with any of the smaller communities such as Tsiigehtchic or Colville Lake or communities of that nature in regard to having small populations and requiring them to put in more responsibilities on them in regard to having to take on these types of amendments, because its miscellaneous for me. That basically means that somebody has to do the paperwork and follow the requirements that we put forward through these type of amendments. So have you consulted with small rural communities under, say, a population of 200?

HON. ROBERT MCLEOD: The NWTAC was our conduit to the smaller communities and we consult with them and they, in turn, consulted with their member communities on some of the proposed amendments. Thank you.

CHAIRMAN (Mr. Abernethy): Thank you, Minister McLeod. General comments on Bill 19. Is

committee agreed that there are no further comments on Bill 19?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): Can we proceed with the clause-by-clause review of Bill 19? Agreed?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): Agreed. Okay we'll defer the title and the bill number and before we go into the clause-by-clause we need to go to Schedule A. Starting on page 2. Any questions?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): Okay, let's turn to Schedule B, which starts on page 5. Any questions?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): Okay, page 9, Schedule C. Any questions?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): Agreed. So let's turn back to the bill itself on page 1 and begin the clause by clause. Clause 1.

---Clauses 1 through 4 inclusive approved

CHAIRMAN (Mr. Abernethy): Agreed. Bill 19, the Municipal Statutes Amendment Act.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): Agreed. Bill as a whole?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): Does committee agree that Bill 19, the Municipal Statutes Amendment Act is now ready for third reading?

---Bill 19 as a whole approved for third reading

CHAIRMAN (Mr. Abernethy): Thank you, committee. Bill 19 is now deemed ready for third reading. Thank you, Minister McLeod. If I could get you to please thank your witnesses and, Sergeant-at-Arms, can I please get you to escort them out of the Chamber. Is committee agreed that we move on to Bill 20?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): I'll now ask the Minister responsible for the bill, the Honourable Jackson Lafferty, Minister responsible for Justice, to introduce the Bill.

HON. JACKSON LAFFERTY: Thank you, Mr. Chair. I am pleased to be here to speak to Bill 20, An Act to Amend the Evidence Act. I would like to thank the Standing Committee on Social Programs for its review of this bill.

The Evidence Act defines the prohibitions relating to the use of evidence in actions that are brought

before a court under the laws of the Northwest Territories. The current act contains provisions that allow for the creation of committees that play a role in the health care system in the Northwest Territories. These committees have the authority to study, investigate or evaluate the hospital practice or hospital care provided by professionals in a hospital setting.

The current act contains prohibitions on how information arising from a committee proceeding can be used in the context of a legal proceeding. In particular, the act prohibits any individual, in the course of a legal proceeding, from answering any question relating to a committee proceeding. The act also prohibits the production of a document in the course of a legal proceeding if the document was produced by a committee that was established in accordance of the act. These prohibitions are sometime referred to as "protections" that are available to committees under the act.

The main purpose of the bill is to effectively expand the definition of "committee" under the act. The impact of this change will be twofold. First, it will mean that committees which are established to examine specific incidents involving the provision of health services will be afforded protection under the act. Second, committees which are established to examine the provision of health services across the territorial health care system will also receive protection under the act.

The reality of health care delivery in the North is that a patient will often be cared for in a number of ways within the territorial health system depending on their health needs, and this may involve more than one clinic or hospital within one or more authorities, or even during a medevac flight. It is important for patient safety that any incident can be comprehensively reviewed so that all health care professionals can learn from any recommendations that come out of the review. Protection under the Evidence Act is necessary to make quality assurance reviews effective as it will ensure complete and full disclosure from all health care providers involved.

The need to amend the Evidence Act was raised by the Department of Health and Social Services.

I would be pleased to answer any questions that the committee members may have regarding Bill 20. Mahsi.

CHAIRMAN (Mr. Abernethy): Thank you, Minister Lafferty. With that, we'll take a short break, five, 10 minutes tops.

---SHORT RECESS

CHAIRMAN (Mr. Abernethy): I'll call Committee of the Whole back to order. I'll thank the Minister for his comments there before the short break. I'll now go to Ms. Bisaro, a member of the Standing

Committee on Social Programs, which reviewed the bill, to make comments. Ms. Bisaro.

MS. BISARO: Thank you, Mr. Chairman. The Standing Committee on Social Programs met on December 9, 2010, to review Bill 20, An Act to Amend the Evidence Act. Following the clause-by-clause review, a motion was carried to report Bill 20 to the Assembly as ready for Committee of the Whole.

This concludes the committee's general comments on Bill 20. Individual committee members may have questions or comments as we proceed.

CHAIRMAN (Mr. Abernethy): Thank you, Ms. Bisaro. Mr. Lafferty, would you like to bring witnesses into the Chamber?

HON. JACKSON LAFFERTY: Yes, I do, Mr. Chairman.

CHAIRMAN (Mr. Abernethy): Thank you, Mr. Lafferty. Is committee agreed?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): Sergeant-at-Arms, if I could get you to please escort the witnesses into the Chamber.

Mr. Lafferty, can I please get you to introduce the witnesses for the record?

HON. JACKSON LAFFERTY: Mahsi, Mr. Chairman. I have with me Mike Reddy, policy and planning division, and Ian Rennie, legislation division.

CHAIRMAN (Mr. Abernethy): Thank you, Mr. Lafferty. I'll now open the floor to general comments. General comments? I see none. Does committee agree that there are no general comments?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): Is committee agreed that we proceed with clause-by-clause review of the bill?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): Okay. We'll defer the title and number and go clause by clause on Bill 20. Clause 1.

---Clauses 1 through 3 inclusive approved

CHAIRMAN (Mr. Abernethy): Clause 4. Ms. Bisaro.

COMMITTEE MOTION 43-16(5):
AMEND CLAUSE 4 OF BILL 20,
CARRIED

MS. BISARO: Thank you, Mr. Chairman. I move that clause 4 of Bill 20 be amended by striking out "any proceedings before a quality assurance committee" in proposed paragraph 14(1)(a) and

substituting "any proceedings before or that have been before a quality assurance committee".

CHAIRMAN (Mr. Abernethy): A motion is on the floor. The motion is in order. The motion has been distributed. To the motion.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Abernethy): Question is being called.

---Carried

CHAIRMAN (Mr. Abernethy): Clause 4 as amended.

---Clauses 4 through 9 inclusive approved

CHAIRMAN (Mr. Abernethy): Bill 20, An Act to Amend the Evidence Act as amended.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): To the bill as a whole as amended.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): Does committee agree that Bill 20 as amended, An Act to Amend the Evidence Act, is now ready for third reading?

---Bill 20 as a whole approved for third reading as amended

CHAIRMAN (Mr. Abernethy): I'd like to thank the Minister and his witnesses. If I could please get the Sergeant-at-Arms to escort the witnesses out of the Chamber.

The next item of our list is Minister's Statement 65-16(5), Devolution Agreement-in-Principle - Impact on Land Claims and Protection of Aboriginal Rights. Is committee agreed?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Abernethy): Thank you. First on my list is Mr. Krutko.

MR. KRUTKO: Thank you, Mr. Chairman. In regard to the whole devolution process I don't think we really have had an opportunity to have a discussion on it publicly in the format of this House or Committee of the Whole. I think that we do have to give it due diligence and make sure that we do have some discussion on it.

I believe that devolution has been a long time coming, but at what cost are we willing to proceed. I think the challenge we face, the agreement that we have in front of us, the question is did we get an agreement simply for the sake of getting an agreement or have we got the best agreement we could possibly achieve within the time and resources we put into it.

I think it's important that we have an agreement that covers all bases, includes the First Nations groups and the people who are affected, endorsing an agreement that will at the end of the day put a

financial burden on future governments of the Northwest Territories, and ensuring that we adequately fund this transfer to the required expenditure that we're going to need going forward.

I think it's important to realize that previous Legislatures have had these discussions and I have myself been personally involved in the negotiations of what was called the Northern Accord. At that time all Aboriginal governments were at the table. They did have their own legal counsel. They were able to negotiate and look at the different elements of how they were going to be affected. How the agreements that were negotiated during the Dene/Metis land claim agreements. I again have to stipulate that the Dene/Metis were not able to achieve what's in the Inuvialuit Agreement, elements such as participation agreements which clearly outline the obligation of industry, whether it's oil and gas or mining, to deal with the First Nations people in those particular settlement regions. As part of that, the Dene/Metis insisted during the negotiation of the Dene/Metis claim, which is now better known as the modern treaties or regional claims, that we had to clearly specifically identify those arrangements through what we called the Northern Accord agreement. That's why it's important to understand that in 1988 when the Northern Accord agreement was signed by then Prime Minister Brian Mulroney and the Government of the Northwest Territories in 1988 it was signed in August, I think it was 18th or 20th, in which that morning it was signed by the Government of the Northwest Territories and that afternoon they signed the Dene/Metis agreement-in-principle in Rae-Edzo. The whole understanding was those two arrangements would go hand in hand in light of the Northern Accord process, the Dene/Metis agreement, and ensure that those two arrangements would be clearly stipulated and flowed through the different land claims agreements. Part of the land claims agreements was clearly demonstrated that in negotiation of those agreements it clearly stipulated that the Government of the Northwest Territories shall involve those Aboriginal groups in development and implementation of the Northern Accord Oil and Gas Agreement which was signed September 5, 1988, by Canada and the Government of the Northwest Territories.

Again it's clearly illustrated that you have to include those Aboriginal governments in whatever you do going forward. Because they do have not only treaty obligations and modern treaty obligations that we as a government have to ensure that they're included in those processes where we've clearly stipulated that they shall be involved in those whole processes.

We also have to look at the needs of not only the northern residents but Aboriginal residents in the confines of the self-government agreements. I know

when I was at the table in 1995 with the Gwich'in Tribal Council in negotiation of those discussions, the issue did come to the table on the funding of self-government agreements. I think it's important that we do have the resources to fund and top-up self-government agreements, because right now, realizing the cost of running programs and services, the land claims agreements as I stated right now to negotiate self-government agreements you can only negotiate for existing programs and services and the government will only agree to fund them as they presently exist.

By way of future growth and population growth, we're looking at the area of additional resources. The only other place that you can identify those additional resources is either through tax revenues or revenues that flow from royalties. I think it's important to realize that we have to be able to fundamentally agree that we have to ensure that the fiscal arrangement that we agree to is sound and that it will be able to take us well into the future. Even in regard to the overall government obligations that we're looking at by taking over those different powers from the federal government by way of positions and also taking over the obligations regardless whether they're regulatory obligations or legislative obligations on mining regulations, oil and gas regulations, in regard to the Waters Act. We are looking at taking over the responsibility of governments on all of those elements and I think it's important to realize that whatever we do, we have to have the resources to do it.

In previous assessments done by previous government that at that time the assessment that they did they stated that they needed some \$83 million to take on those federal-type obligations; \$83 million. Yet at that time the federal government was offering us \$62 million, which we identified was not appropriate to take on those obligations.

The other aspect was also in the area of the cap. Previous agreements did not include a cap and also they included and insisted that Norman Wells had to be part of any negotiations going forward. Again, we see that the federal government has put a cap on the arrangement that we're looking at and they also include the federal government's share of the one-third ownership of the Norman Wells oilfield, which is excluded. The one-third share of the Norman Wells oilfield yields some \$100 million a year to the federal government at the present projections that are out there. Again, by leaving that to the federal government really undermines the ability for the Northwest Territories to go forward in regard to the fiscal and future growth and costs associated with delivering those programs and services to residents of the Northwest Territories.

As we see, one fire season in the Northwest Territories could almost take half of that \$60 million

and swallow it up by a bad fire season. I think we've got to be conscious that basically whatever arrangement we agree with going forward does have the arrangements and clearly stipulates that we are benefitting from our resources, that we're not simply signing the agreement to say, well, we're going to transfer programs and services to the Northwest Territories and now it's your problem.

I think we should learn from the Yukon experience in which one of the biggest challenges they faced when they transferred that from the federal government to the Yukon government was just basically trying to bring in line the benefits by way of employment benefits and employee wages from the federal classification of their employees to the territorial government classification, which again, that cost them an additional \$10 million which wasn't part of the original amount that they looked at in regard to allowing for that transfer to take place.

Again, we are no different here and I think, if anything, probably things have gotten a little more rigid with the different court cases that have happened in regard to the overall area that deals with the pay equity case that took place between the federal employees. You're taking on those obligations now, and, again, we have to be conscious that those obligations we are taking on do not hinder us going forward into the future.

I think also realizing that we do have some major, major projects on the outcome such as, let's say, the Mackenzie pipeline, major oil and gas deposits that could bring in hundreds of millions of dollars a year in revenues, and again, having a cap in place will very much undermine our abilities to really receive the majority of those revenues to the people of the Northwest Territories.

Again, I think it's important that we do take the time to review this arrangement and also allow the public to have a say in where we're going in regard to this arrangement.

CHAIRMAN (Mr. Abernethy): Thank you, Mr. Krutko. I have nobody else on my list. Any more general comments on Minister's Statement 65-16(5)? In that case, I'll go to Premier Roland as the Minister's statement was his, if he wishes to make some responses. Premier Roland.

HON. FLOYD ROLAND: Thank you, Mr. Chairman. The Member raises many points in his comments to the statement I made and I guess what I would do is reiterate the statement itself, that there has been much discussion since the signing of the agreement-in-principle about the speculation that the draft devolution agreement at the time somehow prejudices current Aboriginal rights and negotiations.

In the statement as I gave in this House, that land claim agreements, and I'll quote again, "land claim

agreements are modern treaties and therefore are constitutionally protected." In concrete terms that means if there were a conflict between a devolution agreement and a land claim, the land claim prevails. We recognize that and we accept that.

Also, I'll point out a quote from the document. Mr. Speaker, I would also like to point out that "existing land claim agreements anticipated devolution. The Gwich'in, Sahtu, Tlicho agreements include statements that nothing in the land claim will prejudice the devolution of jurisdictions from Canada to the GNWT." It is important to understand that this demonstrates that land claims agreements were never intended to prevent the devolution of authorities from Canada to the GNWT. I've tried to go a long ways, as the government overall, go a long ways to addressing those concerns that were raised.

The amounts that the Member quoted in previous discussions of \$80 million, that was work done... The government of the day had hired a consultant to do an exercise and came up with estimates. Those numbers were our own estimates in preparing for negotiations. The first response to the request on A-base transfers was in the neighbourhood of just over \$35 million. This agreement-in-principle is for 65. So we've managed to, through that work, up it significantly and ultimately the design and implementation of the regime in place that we adopt and then the government can further change once that authority is drawn with consultation of the groups and negotiations, we'd be able to design that structure.

The cap of 5 percent, that is not a negotiation process for the agreement-in-principle. That is a national program across the country. Finance Canada did a review of equalization and territorial formula financing. It was through that exercise where they said all jurisdictions would be sharing 50-50. So that meant out of \$100 we would lose transfers of \$50 for those provinces and territories that participated in equalization payments. Now, if a province did not receive any equalization payments they obviously get to keep 100 percent. I don't think that will ever be the situation in the Northwest Territories, at least not in the foreseeable future, even in 20 to 30 years.

Now, further to that, the three territories, because the Formula Financing Agreement doesn't exactly deal word for word -- and thankfully so, because if it did we would have a lot less resources in the North -- they came up with the equivalent of that cap that provinces face in Canada, and they came up with a 5 percent of GEB. That is not a negotiation item in the devolution agreement; that is an overall national program.

The Norman Wells issue, in looking at the agreement-in-principle on devolution, in fact, there is a clause there, a section that says Norman Wells

is still something to remain to be discussed from our point of view. Let's realize that two-thirds of Norman Wells is giving royalties to the Aboriginal groups in the Northwest Territories. It's the one-third ownership or equity called by the federal government that remains in question and in that sense we agree with what's being raised out there, that we have to continue to push and try to get a negotiation on that and get that rolled in. The federal government's position has been consistently that that's not on the table. Well, we, as part of the devolution agreement, have said it is to be a negotiation item.

The Yukon model is something we, in fact, had sent our people over to the Yukon to learn from their experience. Obviously, we've done a good job because the Yukon has recently just come out with a press release and request by the federal government to renegotiate their resource revenue base because they see that on the table. What we have is significantly better than what was done in their previous agreement. In fact, Nunavut is in the process of negotiations or wanting to establish negotiations and is now using our agreement for a point of discussion.

I would say that many of the issues that were raised, I think we are in agreement with. Aboriginal rights are constitutionally protected and they would prevail over a devolution agreement if that devolution agreement was to infringe or be seen to be shown to infringe on the land claims and self-government agreements in the North.

As well, the devolution agreement has language in it that talks about negotiations ongoing that the internal measures are protected and the clause in the agreement that talks about the federal government can come back and withdraw lands that have been transferred if they negotiate a larger land base with the Aboriginal governments that are in negotiations.

As we see and as we had involvement through many years with a number of the groups, indeed at this point in time of the history of the North we feel this is the best agreement that we are able to negotiate and go forward on in signing the agreement-in-principle. Of course, and as the Member is aware, that even as the Inuvialuit, the Gwich'in, the Sahtu, when they signed their framework agreements, that set out the table of what was to be discussed and some of the parameters, but their examples even within the Gwich'in the framework agreement and how they got a better quantum of land than what was initially in that document. The Sahtu I believe did something similar. It shows that there can be an improvement from what is initially put on the table. We, of course, have a number of items that we hope to improve on as we go forward.

As we have, in the past, and as I have spoken with Members and made commitments in the House when Executive's budget was before this Assembly, that we would continue to reach out and encourage the groups to come to the table and be a part of the process going forward. That door remains open. In fact, as I committed to Members, I would come back to this Assembly with a supplementary appropriation once we come out with a framework and a budget as to reaching out and going into regions and communities to discuss the devolution agreement and a way forward. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Abernethy): Thank you, Premier Roland. Comments on the ministerial statement. Mr. Krutko.

MR. KRUTKO: Thank you, Mr. Chairman. Again, I think that regardless of what the agreement looks like, we are basically at an area of contention where we have a large majority of the Aboriginal groups, especially throughout the Mackenzie Valley which is basically covered by Treaty 8 and Treaty 11 who have the most at stake. I think a lot of people's concept of devolution is not simply transferring positions from Ottawa to the Northwest Territories and basically taking over government responsibilities.

Think from the Aboriginal perspective. They look at it differently. It is basically the lands and resources that have sustained them for thousands of years again being threatened by oil and gas development. I think, because of that, the Aboriginal groups have concern because they have seen what the effects can be regardless of whether it's Norman Wells or the effect on caribou and the effect on their livelihoods. I think that because the connection between the Aboriginal people and the land is so close, without the land and the wildlife, the water, without any of those elements being in place, it affects who they are. I think that is the risk that the Aboriginal groups are concerned about, because they are not at the table and they are being excluded from having so-called rights that are being undermined by this process.

Mr. Chairman, I think it is important to realize that on page 5 of the Northern Accord agreement, clearly it was an Aboriginal rights section that clearly stipulated what is trying to be said. You can say it in one sense by saying you have all these rights, but the rights don't mean anything unless you are at the table to ensure that you are protecting those rights, you are speaking up for the people, the land and the resources that are under your feet. Again, that is the problem. The problem is that those groups are not at the table. They are not being able to illustrate their issues at the table. By not allowing them that opportunity to partake and have that say prior to the signing of that agreement, that undermines the whole fundamental aspect of

having the agreement that abrogates and derogates from any of the provisions in regards to Aboriginal self-government agreements or treaty rights. There is a whole list of items that you can look at.

In a letter that was submitted to John Todd from Ron Irwin, it clearly illustrates that his concerns even back then that Treaty 8 and the Dehcho Tribal Council were basically being told they are not part of the process so they will just cut them out of the picture and they would deal with those other parts of the Northwest Territories. In the agreement, it is clearly stipulated that by excluding those areas from this application on the devolution agreement, we cannot support any proposal which would have an effect on the transfer of provincial-like authorities imparted to the Northwest Territories and I would, therefore, encourage you to continue discussions with Treaty 8 chiefs and the Dehcho in order to seek their support. This is a federal Minister that wrote this letter. I don't know what the difference between Ron Irwin or the existing Minister, but those groups still have the right to be heard.

Again, if the Aboriginal groups of the Northwest Territories take us out of this devolution picture, do not apply devolution to our particular region which include the regions of Treaty 8, Treaty 11, this agreement will only apply to those groups that have signed on, which is the Inuvialuit and the Metis.

Again, the Metis do not have a land base. Again, the issue is going to come down to which particular area will this devolution agreement apply to. I think it is fundamental to any process that we do ensure that we integrate those areas regardless if it is a Treaty 8 area, Treaty 11 area, land claim areas, regardless if it is the Inuvialuit, the Gwich'in, the Sahtu, the Tlicho and the Dehcho in anything that you do. Those governments, regardless if it is a self-government with the Tlicho Government, those are government bodies just like we are here at the Legislative Assembly. They have jurisdiction over lands and resources and management authorities in those settlement regions. The powers we are looking at taking over are the same areas that they also have a legal responsibility to uphold either through the land claims settlements to settlement legislation, Section 35 of the Canadian Constitution. I think we have to be clear on this that simply ignoring the problem is not going to go away.

I think that we do as a Legislature, as a government, have a responsibility to basically practice what we say we are going to practice and acknowledge our relationship government to government to government. There are three levels of government in the Northwest Territories, not two. I think that we have to be cognizant of the whole idea that whatever agreement at the end of the day we come out with, it should be for the benefit of all people of the Northwest Territories, not just some

groups that say we will sign up at the expense or the backs of other regions where a lot of these impacts and developments are already taking place.

Again, I think that we do have an obligation not only under the Canadian Constitution, under the land claims agreements that we signed, and more importantly, we passed a motion in this House recognizing the United Nations declaration for Aboriginal peoples. It is clear and no speculation that indigenous people have a right to be heard, but more importantly, to be protected in any sort of government regardless if it is a consensus government in the Northwest Territories or a country in other parts of the world.

Again, I think it is critical or crucial that this government continuing to play hardball will not do anything to improve the situation. We have to allow this process to be heard through a separate table regardless if it's arbitration in regard to finding an area where we can sit down and discuss issues whether we agree to disagree, but at least let's start those talks. I think it's important to realize the issues being raised by the Aboriginal government do have a basis of being concerned. They do have a fundamental responsibility to be challenged.

Mr. Speaker, when we see what happened to Aboriginal people just in the last couple of years on the caribou issue, it scares them. When you have a Minister of Environment unilaterally making the decisions saying sorry, the numbers are down, you can't hunt, for them it questions the viability of a government to really take into consideration Aboriginal rights and issues that affect them.

So, again, all I ask is let's find a table to sit at, sit down with the Aboriginal governments, find a way to work out this impasse that we're under and find an arrangement at the end of the day. We all win and there won't be any winners and losers in regard to where we go with this devolution agreement. Thank you.

CHAIRMAN (Mr. Abernethy): Thank you, Mr. Krutko. General comments on Minister's Statement 65-15(5). No more? I'll go back to Premier Roland for any additional comments based on comments heard.

HON. FLOYD ROLAND: Thank you, Mr. Chairman. Again, I think there were some comments made by the Member and I don't know if this will just turn into a two-way discussion. He has his strong viewpoints. We have the language in the agreement-in-principle. I made a commitment in this House that in fact if there is any infringement on land claims, that those land claims prevail. We've said that, that the groups have been included from the earliest days of 2001 in the framework agreement and in fact in the life of its government through our regional leaders' table and more specifically when the issue of the agreement-

in-principle on devolution was picked up again with the federal government. We provided funding and the groups participated either as active observers at the main table or as full participants at the main table. I mean, I've shown the Members that information, and more important to that is through the agreement-in-principle there was funding set up for Aboriginal groups as well to take part in the work leading up to the negotiations and I've even committed in this House that we would come back with a budget to meet with the regions and the community leaders and the communities to go over the agreement-in-principle. Nobody is being excluded. If there's any exclusion, it's at the choice of the communities or the regions who make that decision and we have to respect that if that's the way their process is, but clearly there's no veto provided to anybody on this file as we go forward.

Now, as we go forward and as we negotiate, a final decision will have to be made at some point, not in the life of this government. What we've done here is allow for a process to get into real negotiations going forward and those negotiations have a seat at the table for every region that wants to be there, and I encourage them to do that because there is not only the seat, but there are dollars available. The fact that the devolution agreement talks about protection of Aboriginal rights, constitutional protection, the fact that we as a Government of the Northwest Territories, and even as the Member raised the caribou issue, the settled areas that have clearly established co-management bodies we use that example. In fact, it's those examples that are used as we talk about how we set up a co-management regime in the rest of the Territory and that is with full Aboriginal participation. So we continue to work on that path. Again, I use this opportunity to say as I stated in this House to Members after the signing of the agreement, that the role we will play, the way forward, is to recognize Aboriginal rights in this whole process and the final agreement that would be voted on at a future date will have to show that that's the case.

Again, I encourage all the regional leaders to join us as we go forward. In fact, even prior to the official negotiations, as I said, I'd come back once we have a framework and a budget established to come to this House to seek that approval to continue on those discussions because I believe, in the same words the Members used, that we need a win-win here.

Resource revenues, the fact that if you looked at the last five years, as the Minister of Finance stated, we've lost \$200 million. Every time we go to a community and we go to an AGM or an assembly, there are requests to improve housing, to improve health care, to improve municipal services. This provides some relief to that. Our work has shown, as a Government of the Northwest Territories, which we shared at all the Aboriginal tables, the

cost of self-government is higher than what's on the table and we need to work together to get the federal government to honour their commitment and their fiduciary responsibility.

So we're working at all those tables to try to find a way forward. I would say it would be very dangerous if any government, even our government, to then put core funding in place when you're basing it on a resource revenue that fluctuates, and that's a dangerous precedent. But we've agreed, at least at the starting point, and in fact the AIP, chapter 12, talks about negotiating bilateral agreements on resource revenue sharing of public lands that are included in this transition.

I would say that when you look at the actual process of devolution, there are no new rights being established here. This is in fact drawing down what Ottawa and federal staff are doing today. They're making decisions on the North. They're impacting us by those decisions and what conditions are placed on any projects. The fact that when you look across this country, all the provinces already exercise those rights and one territory being the Yukon. As I said earlier, interestingly enough, they're now requesting a renegotiation based on our agreement, I believe. So, again, I think much of what the Member said and much of what I said are on a very similar path in a sense of trying to find a way to benefit all residents of the Northwest Territories. I think that that provision of chapter 12 of sharing resource revenues, if you look across the country that is the most progressive piece of any agreement with Aboriginal governments in the land when it comes to sharing of resource revenues from public lands. Again, I think that we can find a way forward and that we can find a win-win solution. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Abernethy): Thank you, Premier Roland. Next on my list is Mr. Hawkins.

MR. HAWKINS: Thank you, Mr. Chairman. I move that we report progress. Thank you.

---Carried

CHAIRMAN (Mr. Abernethy): I'll now rise and report progress. Thank you, committee.

Report of Committee of the Whole

MR. SPEAKER: Can I have the report of Committee of the Whole, please, Mr. Abernethy.

MR. ABERNETHY: Mr. Speaker, your committee has been considering Bill 14, An Act to Amend the Conflict of Interest Act; Bill 15, An Act to Amend the Fire Prevention Act; Bill 17, An Act to Amend the Income Tax Act; Bill 18, An Act to Repeal the Settlements Act; Bill 19, Municipal Statutes Amendment Act; Bill 20, An Act to Amend the Evidence Act; and Minister's Statement 65-16(5), Devolution Agreement-in-Principle, Impact on Land

Claims and Protection of Aboriginal Rights, and would like to report progress with one motion being adopted and that Bills 14, 15, 17, 18 and 19 are ready for third reading and that Bill 20 is ready for third reading as amended. Mr. Speaker, I move that the report of Committee of the Whole be concurred with. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Abernethy. Motion is on the floor. Do we have a seconder? The honourable Member for Tu Nedhe, Mr. Beaulieu.

---Carried

Item 22, third reading of bills. Madam Clerk, orders of the day.

Orders of the Day

PRINCIPAL CLERK OF COMMITTEES (Ms. Knowlan): Mr. Speaker, orders of the day for Thursday, March 3, 2011, at 1:30 p.m.:

1. Prayer
2. Ministers' Statements
3. Members' Statements
4. Reports of Standing and Special Committees
5. Returns to Oral Questions
6. Recognition of Visitors in the Gallery
7. Acknowledgements
8. Oral Questions
9. Written Questions
10. Returns to Written Questions
11. Replies to Opening Address
12. Petitions
13. Reports of Committees on the Review of Bills
14. Tabling of Documents
15. Notices of Motion
16. Notices of Motion for First Reading of Bills
17. Motions
 - Motion 40-16(5), Elders Teaching in Schools
 - Motion 41-16(5), Independent Investigation of Incident at Stanton Territorial Hospital
18. First Reading of Bills
19. Second Reading of Bills
20. Consideration in Committee of the Whole of Bills and Other Matters
 - Tabled Document 4-16(5), Executive Summary of the Report of the Joint Review Panel for the Mackenzie Gas Project

- Tabled Document 30-16(5), 2010 Review of Members' Compensation and Benefits
- Tabled Document 38-16(5), Supplementary Health Benefits - What We Heard
- Tabled Document 62-16(5), Northern Voices, Northern Waters: NWT Water Stewardship Strategy
- Tabled Document 75-16(5), Response to the Joint Review Panel for the Mackenzie Gas Project on the Federal and Territorial Governments' Interim Response to "Foundation for a Sustainable Northern Future"
- Tabled Document 103-16(5), GNWT Contracts over \$5,000 Report, Year Ending March 31, 2010
- Tabled Document 135-16(5), GNWT Response to CR 3-16(5): Report on the Review of the Child and Family Services Act
- Bill 4, An Act to Amend the Social Assistance Act
- Bill 16, An Act to Amend the Dog Act
- Minister's Statement 65-16(5), Devolution Agreement-in-Principle, Impact on Land Claims and Protection of Aboriginal Rights
- Minister's Statement 88-16(5), Sessional Statement
- Committee Report 7-16(5), Standing Committee on Economic Development and Infrastructure Report on the Review of Bill 16, An Act to Amend the Dog Act

21. Report of Committee of the Whole

22. Third Reading of Bills

23. Orders of the Day

MR. SPEAKER: Thank you, Madam Clerk. Accordingly, this House stands adjourned until Thursday, March 3, 2011, at 1:30 p.m.

---ADJOURNMENT

The House adjourned at 5:13 p.m.

